

FROM REPORT OF THE DEPARTMENT OF MARINE AND FISHERIES 1897

THE
BEHRING SEA QUESTION

EMBRACING

THE FUR SEALING INDUSTRY

OF THE

NORTH PACIFIC OCEAN

1897

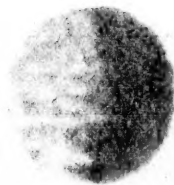
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By R. N. VENNING

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OTTAWA
GOVERNMENT PRINTING BUREAU
1898

THE FUR SEALING INDUSTRY OF THE NORTH PACIFIC OCEAN AS AFFECTED BY THE BEHRING SEA AWARD AND CONSEQUENT LEGISLATION.

BY R. N. VENNING.

THE BEHRING SEA QUESTION.

For a series of years past the departmental reports have contained a short résumé of the main features of this question, as they have developed from year to year; the "Twenty-ninth Annual Report of the Department of Marine and Fisheries 1896—Fisheries." (Sessional Paper No. 11a, 1897), bringing it up to the end of 1896, at which point the present article will resume it for the current year, following somewhat the same order.

DEPARTURE OF THE SEALING FLEET.

The spring sealing fleet comprising 43 vessels, began clearing for the season of 1897, early in December, 1896; the first vessel cleared on the 3rd, and by the end of the month eighteen had cleared. In January, 1897, seven other followed; in February, ten, and in March, eight.

This fleet was divided into two sections as follows:—

VESSELS OPERATING ON THE NORTH AMERICAN COAST OF THE PACIFIC OCEAN.

License.	Schooners.	Tons.	Masters.	Cleared.
1	Mary Taylor.....	43	P. Carlson	Dec. 3, 1896
3	C. D. Rand	51	J. O. Townsend	do 9 do
4	Mary Ellen	63	D. McPhee	do 9 do
7	Osprey	40	G. McDougall	do 14 do
10	Ainoko	76	G. Heater	do 21 do
12	Allie J. Alger	75	R. O. Lavender	do 24 do
15	E. B. Marvin	96	Chas. J. Harris	do 30 do
16	Sapphire	109	Wm. Cox	do 30 do
17	Triumph	96	C. N. Cox	do 30 do
18	Pioneer	66	W. E. Baker	do 31 do
21	Amateur	18	C. Jipson	Jan. 20, 1897
23	Pachwellis	20	J. Nyctam	do 21 do
24	Fisher Maid	21	C. Chippis	do 21 do
25	Mountain Chief	23	Nawassum	do 21 do
26	Penelope	70	D. G. Macanley	Feb. 6, do
27	Beatrice	66	Wm Heater	do 6 do
28	Cape Beale	13	J. E. Quap	do 9 do
29	Maud S	97	R. E. McKeil	do 19 do
30	Dora Siewerd	93	H. F. Siewerd	do 20 do
31	Zillah May	66	S. Baleam	do 20 do
32	Otto	86	J. McLeod	do 24 do
33	Minnie	49	V. Jacobsen	do 24 do
34	City of San Diego	46	D. Martin	do 26 do
35	Arietis	86	P. Martin	do 27 do
36	Ocean Belle	83	R. Cox	Mar. 1, do
37	Enterprise	69	J. W. Todd	do 4 do
38	Teresa	63	G. Meyer	do 17 do
39	Labrador	25	M. Pike	do 18 do
40	Fawn	50	M. Foley	do 18 do
41	Chacheemah	10	H. Chacheemah	do 18 do
42	South Bend	21	C. F. Dillon	do 18 do
43	Annie (sloop)	9	C. Spring	do 20 do

In all 32 vessels.

VESSELS OPERATING ON THE JAPAN COAST OF THE NORTH PACIFIC OCEAN.

Licence.	Schooners.	Tons.	Masters.	Cleared.
2	Casco	63	Chas. Le Blanc	Dec. 8, 1896.
5	Mermaid	73	Jas. W. Anderson	do 19, do
6	Umbrina	99	Chas. Campbell	do 12, do
8	Annie E. Paint	32	Alf. Bissett	do 19, do
9	Geneva	92	Wm. O'Leary	do 21, do
11	Carlotta G. Cox	76	Wm. D. Byers	do 22, do
13	Director	87	F. W. Gilbert	do 28, do
14	Borealis	37	Andrew Nelson	do 29, do
19	Sadie Turpel	56	A. S. Crane	Jan. 4, 1897.
20	Agnes McDonald	107	M. F. Cutler	do 15, do
22	Vera	60	Wm. T. Bragg	do 21, do

In all 11 vessels.

While the whole of these vessels engaged in that branch of the industry known as the spring fishery, all but fourteen of them operated later on in the Behring Sea fishery, which begins only on the 1st August, after the expiry of the close season provided by the Paris Award. Those of the sealers which confine their spring operations to the American side of the Pacific Ocean, return to Victoria to await the summer fishery in Behring Sea, after the seals have disappeared from the coast, or in other words have entered Behring Sea.

Those, however, who have exploited the Asiatic waters, cross over into Behring Sea when the open season begins. These it will be seen form much the smaller factor in the Behring Sea fleet.

The following table represents a complete list of the fleet which cleared for Behring Sea during 1897, and shows that out of the full fleet of 44 vessels clearing during that year, 30 were destined to Behring Sea.

SEALING VESSELS CLEARED FOR BEHRING SEA, SEASON 1897.

N.

Cleared.

8, 1896,
10, do
12, do
19, do
21, do
22, do
28, do
29, do
4, 1897.
15, do
21, do

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No.	Vessels.	Tons	No. of License.	Master.	Cleared for.
1	Mary Taylor	46	1	F. Cole	Behring Sea from Victoria.
2	Casco	63	2	C. Le Blanc	do now in Japan.
3	Mermaid	73	5	S. W. Anderson	do do
4	Undrina	99	6	C. Campbell	do do
5	Annie E. Paint	82	8	A. Bissett	do do
6	Geneva	92	9	W. O'Leary	do do
7	Anoko	75	10	G. Heater	do from Victoria.
8	Carlotta G. Cox	76	11	W. D. Byers	do now in Japan.
9	Director	87	13	F. W. Gilbert	do do
10	Borealis	37	14	A. Nelson	do do
11	E. B. Marvin	36	15	C. I. Harris	do from Victoria.
12	Triumph	98	17	C. N. Cox	do do
13	Pioneer	66	18	W. E. Baker	do now Copper Id.
14	Sadie Turpel	56	19	A. S. Crane	do now in Japan.
15	Vera	60	22	W. T. Bragg	do do
16	Penelope	70	26	D. G. Macauley	do from Victoria.
17	Beatrice	66	27	W. Heater	do do
18	Dora Siewerd	93	30	H. F. Siewerd	do do
19	Zillah May	66	31	S. Balcan	do do
20	Otto	86	32	J. McLeod	do do
21	Minnie	46	33	V. Jacobsen	do do
22	City of San Diego	46	34	D. Martin	do do
23	Aristis	86	35	P. Martin	do do
24	Ocean Belle	83	36	R. Cox	do do
25	Enterprise	69	37	J. W. Todd	do do
26	Teresa	63	38	G. Meyer	do do
27	Fawn	59	40	M. Foley	do do
28	South Bend	21	42	C. E. Dillon	do do
29	Victoria	63	44	R. Balcan	do do
30	Favourite	80	45	R. McLean	do do

It will be observed that as previously intimated, of these vessels so cleared direct from Victoria, ten crossed from the Japan coast, and one from vicinity of Russian Islands.

THE SEASON'S CATCH.

The following table prepared by the collector of customs, at Victoria, B.C., comprises a complete detailed return of the season's operations of the Canadian sealing fleet, and a statement of the vessels, tonnage, masters, crews, both whites and Indians, as well as boats and canoes employed in the industry.

BRITISH COLUMBIA

Vessels.	Tons.	Master.	CREWS.		BOATS.		British Columbia Coast.	
			White.	Indians.	Boats.	Canoes.	Males.	Females.
Agnes McDonald.....	107	F. M. Cutler.....	27		8			
Ainoko.....	75	G. Heater.....	6	26	2	13	22	385
Allie I. Alger.....	75	R. A. Lavender.....	24		7		286	354
Amateur.....	18	C. Jipson.....		14		7	1	19
Annie E. Paint.....	82	A. Bissett.....	26		9		26	45
Arietis.....	86	P. Martin.....	6	27	2	14	96	71
Beatrice.....	66	W. Heater.....	4	25	2	12	103	55
Borealis.....	39	A. Nelson.....	20		6			
Casco.....	63	C. Le Blanc.....	20		6		5	9
C. D. Rand.....	51	J. A. Townsend.....	21		6		147	155
C. G. Cox.....	76	W. D. Byers.....	26		8		62	110
City of San Diego.....	46	L. McGrath.....	6	18	1	9	39	22
Director.....	87	F. W. Gilbert.....	23		7		1	3
Dora Siewerd.....	94	H. F. Siewerd.....	8	30	2	15	52	33
E. B. Marvin.....	96	C. J. Harris.....	9	32	2	16	154	123
Enterprise.....	69	J. W. Todd.....	8	26	2	13	21	17
Favorite.....	80	L. McLean.....	7	26	2	13		
Fawn.....	58	M. Foley.....	6	20	1	10	29	22
Fisher Maid.....	21	C. Chippis.....		13		6	7	20
Geneva.....	93	W. O'Leary.....	20		6			
Labrador.....	25	M. Pyke.....	6		3		14	11
Mary Taylor.....	43	F. Cole.....	7	24	2	12	80	229
Mary Ellen.....	63	D. McPhee.....	24		7		123	167
Maud S.....	97	R. McKiel.....	7	20	2	10		
Minnie.....	46	V. Jacobsen.....	6	22	2	11	59	42
Mermaid.....	73	J. W. Anderson.....	22		7		12	139
Mountain Chief.....	23	J. Nawassum.....		16		8	5	7
Ocean Bell.....	83	R. Cox.....	7	23	3	11	130	37
Otto.....	86	J. McLeod.....	7	35	3	14	128	65
Pachwelius.....	19	J. Nyetam.....		20		10	9	15
Penelope.....	70	D. McCauley.....	6	25	2	12	89	30
Pioneer.....	76	W. E. Baker.....	24		7		210	392
Sadie Turpel.....	56	A. L. Crane.....	23		7			
Sapphire.....	109	W. Cox.....	9	30	2	15	68	30
South Bend.....	21	E. F. Dillon.....	4	9	1	5		1
Teresa.....	63	G. Meyer.....	8	24	2	12	18	35
Triumph.....	98	C. N. Cox.....	7	40	3	18	142	67
Umbrina.....	99	C. Campbell.....	25		7			
Vera.....	60	W. T. Bragg.....	20		6			
Victoria.....	60	J. Haan.....	9	18	2	10		
Zillah May.....	66	S. Baleam.....	7	24	2	12	125	39
Canoes.....								
*41 vessels.....	2,708		495	587	149	288	2,263	2,819

RECAPITULATION.

Crews.	White.	Indian.	Total.	Boats and Canoes	Boats.	Canoes.	Total.
	495	587	1,082		149	288	437
Sealing Stations.					Males.	Females.	Totals.
British Columbia and North Pacific Coast.					2,263	2,819	5,082
Japan Coast.					3,677	3,644	7,321
Copper Island Coast.					454	928	1,382
Behring Sea.					6,549	9,058	15,607
Total.					12,943	16,449	29,392
Indian Canoe Catch.							1,018
Grand Total.							30,410

Sealing Report, 1897.

UMBIA

umbia

Females

.....

385

354

19

45

71

55

9

155

110

22

3

33

123

17

22

20

11

229

167

.....

42

139

7

37

65

15

30

392

.....

30

1

35

67

.....

433

152

.....

39

.....

2,819

PARTICULARS OF CATCH.

Japan Coast.		Vicinity Copper Island.		Behring Sea.		Total.	Remarks.	Number of Special Sealing License.
Males.	Females.	Males.	Females.	Males.	Females.			
308	181			512	412	489	(Wrecked, 5 miles south of Akishi, Japan, 21st June, 1897.)	20
						1,331		10
						640		12
						20		21
373	446	6	9	136	257	1,298		8
				368	529	1,064		35
				217	362	737		27
				66	246	626		14
154	154	2	4			1,064		2
432	430	49	139			302		3
						1,438		11
381	637	85	163			463		34
				182	220	1,052		13
426	439	56	127			1,399		30
				558	696	1,250		15
				396	577	553		37
				134	381	553		45
				299	254	491		40
				233	207	27		24
						804		9
120	209	88	249	25	53	25		39
				195	370	944		1
						290		4
							(Wrecked, catch of 11 skins lost, Queen Charlotte Isl's, Apl. 23 '97.)	29
				403	492	996		33
						1,123		5
468	362	40	102			12		25
				449	343	959		36
				404	424	1,021		32
						24		23
				292	411	822		26
		128	135	10	3	878		18
430	217			88	164	899		19
						98	(Burnt at sea, lat. 48 30' N, long. 125 55' W., April 23rd, 1897.)	16
						1		42
				235	560	848		38
				690	861	1,760		17
433	385			48	142	1,008		6
152	124			114	150	540		22
				96	680	776		44
				399	264	827		31
						1,018	Indian catch, B. C. coast.	
3,677	3,644	454	928	6,549	9,058	30,410		

While the catch this season has fallen much below the average, the number of vessels engaged decreased from 64 in the previous year to 44, a figure far smaller than the average for the past seven years.

This is attributed to many causes, the remedy of some of which may be in the hands of the sealers themselves. The tremendous drop in the price of sealskins, together with previous small profits, and the misfortune of the loss of vessels, unwittingly getting within the prohibited zone, and other minor matters all, however, have had a tendency to deter many of the vessel owners from embarking in the industry this season. While a continuance of like conditions might be expected to continue this deterrent effect, it is nevertheless true that considering the number of vessels actually employed, the catch of this season does not fall much below the average catch per vessel in the previous year; hence the result of the London sales of sealskins just reported, which shows a jump of 20 per cent higher than the last sale, may make the season's venture a lucrative one for those who were engaged in it.

As the information of this large advance in the price of skins comes at a time when the sealers are actually preparing for their voyages, it cannot but exert a great influence on the owners of sealing vessels who, under the low prices prevailing, would not have fitted out this year. Hence in the face of this incentive there is every reason to expect that many of the schooners which, otherwise would have remained in port, will be found in the sealing fleet of 1898.

It is worthy of note that even in years when the smallest catches have been made, the sealers have reported plenty of seals at sea, that is to say that generally speaking they observed no marked diminution in the number of seals seen as compared with previous years, nor have such reports been confined to them. The captains of patrolling vessels have given similar testimony. That larger catches have not been taken under these conditions has been attributed to stormy weather and to increased wariness of the seals.

The present season is no exception to this rule and the reports still exist.

In considering the question of stormy weather as affecting the catch, it should not be forgotten that in the earlier days, when the sealers could enter Behring Sea in June, and leave when they chose, the comparatively stormy weather of the latter part of August and beginning of September, used to be considered so correspondingly unfit for sealing, that many of them having had almost a full season in the sea, left in August, and very few, if any, remained after the first week of September.

There were, of course, exceptions to this rule, and it was proved that good catches could be and were made well on into September, but when the sealers had made a fair average catch during June, July and August, as the boisterous weather approached and their crews and hunters desired to return home, they generally left on account of so-called bad weather. The unpropitiousness of the weather of course increased as the season advanced. Thus we find in the early history of the industry that comparatively little or no bad weather was experienced in actual hunting operations. These conditions, by the Paris regulations, are entirely changed. Apart from the widening of the territorial zone to one of 60 miles, necessitating a correspondingly greater distance from the lee of the shores, the close season is so arranged that vessels are not permitted to enter Behring Sea before 1st August, after two of the best sealing months are over, and very shortly before the admittedly bad weather has begun.

An examination of the sealing logs on file in the department, will show that of the vessels in Behring Sea this year, the last hunting days were as follows:—

1 vessel, 8 September.

1 do 11 do

2 do 13 do

1 do 14 do

4 do 15 do

4 vessels, 17 September,

8 do 19 do

1 do 21 do

1 do 26 do

1 do 4 October.

So that it will be seen that the Behring Sea season consists of little over a month and a half, not half of which period is favoured with admittedly good weather, as judged by the old standard, and that vessels to make anything like a profitable venture are compelled to remain hunting as long as the weather will permit, or practically a month later than the date which in the earlier years of the business was tacitly looked upon as the beginning of unfavourable weather.

It would thus appear that so far as the Behring Sea season is concerned, there can be no doubt that the hunting operations under the terms of the Paris Award, are necessarily pursued in much more boisterous and therefore unpropitious weather, than when the hunting was carried on in June and July as well as August.

Nor is the change of conditions confined to the effect produced through change of dates and consequent weather, but it has been suggested that the increasing wariness of the seals may be largely due to the constant disturbance of the water of the sealing grounds by the propellers of patrolling cruisers.

It might perhaps be interesting to briefly examine the possible effect in this direction of the extensive patrol as conducted. A brief scrutiny of the logs of the sealers on file in the department, will show the average position of the sealers in Behring Sea to have been, this season, to the south and south-east of a 60 mile zone around the Pribylov Islands; thence a reasonable hunting distance seaward in the track of the seals.

The bulk of the sealers were, therefore, to be found in what may be called a comparatively restricted area.

Whatever may be argued as to the effect of the moving vessels upon the animals and their timidity generally, from a natural history point of view, involving their subsequent movements or change of habitat, from a practical point of view it does not seem open to doubt that it must exert an immense influence upon the operations of the sealers hunting at sea. It is a well-known fact that successful seal hunters depend principally upon finding the seals asleep at sea, and that although they are taken at other times, and the sealer will try for everything within reasonable reach, it is from the sleeping animals that the sure and remunerative "takes" are sought after and secured.

It therefore goes without saying that any constant commotion in these remote seas caused by the disturbance of the waters, involved in the passing and re-passing of these steamers, must at least to the extent it would disturb seals asleep upon the surface of the sea, deter or hinder successful seal hunting.

When it is considered that the early pelagic sealing operations began in these seas when they were to all intents and purposes peaceful, and unaffected by any of the disturbing influences of vessels of war or of commerce, it should not require much argument to force the conclusion that the changed conditions must materially influence the success of the hunters.

The point which such interference might reach could perhaps best be suggested by a glance at the charts showing the tracks of the United States patrol fleet in Behring Sea, were these available at the moment, but in the Departmental Report for 1895, under the heading "Boarding of British Vessels by U.S. Patrol Ships" the extent of the patrol is shown at considerable length.

Out of 35 vessels visited between the 3rd August and 20th September,

7	vessels	were	boarded	once.
10	do	do	twice.	
4	do	do	three times.	
6	do	do	four times.	
5	do	do	five times.	
3	do	do	six times.	

This represented actual visits to sealers irrespective of constant passing and re-passing.

This year there were 8 steamers engaged in the patrol.

THE PATROL FLEET.

The vessels engaged in the patrol of Behring Sea, during the season, to enforce the award regulations, were H.M.S. "Amphion," "Wild Swan" and "Pheasant," and the United States revenue cutters "Bear," "Rush," "Corwin," "Perry," and "Grant."

DISASTERS.

The list of casualties this year was somewhat large as compared with the comparatively small fleet.

The schooner "Agnes McDonald," 107 tons, was wrecked 5 miles south of Akishi, on the coast of Japan on the 21st June, 1897.

The schooner "Maud S," 97 tons, was wrecked off Queen Charlotte Islands on April 23rd, 1897, and the schooner "Sapphire," 109 tons, was burned at sea in latitude 48° 36' N, longitude 125° 55' W, on the 23rd April, 1897. It will be noticed that these vessels were among the largest in the fleet.

PROPOSALS FOR SUPPLEMENTARY ARRANGEMENTS.

In the report of last year, under the heading "Proposal for supplementary arrangements as to fire-arms and expert examination of seal skins," the propositions of the United States government in this regard were explained and their previous connection with the agreement for sealing up of fire-arms, referred to.

As regards the proposal for an expert examination of seal skins by United States officials on the return of the vessels to their home ports, for the purpose of determining the sexes of the animals from which they had been taken and whether they had been killed by spears or fire-arms, it was shown the Canadian government had been wholly unable to assent to such an expedient, and the grounds upon which such a decision was reached were fully explained.

Touching the concurrent proposal which was:—

1. That vessels proceeding direct to Behring Sea from Victoria, should present the certificate of the collector of customs that no fire-arms were on board, to the collector of customs, or to the commander of the United States fleet patrolling Behring Sea, at Ounalaska; that thereupon such vessels be searched by duly authorized patrolling officers, and the fact endorsed on the certificate, that such certificate duly endorsed may be accepted by the officers of the patrolling vessels as evidence of the fact that no fire-arms are concealed on board; unless some information or evidence of violation of law, other than mere suspicion, is in the possession of, or found by the boarding officer.

Although unwilling to admit the necessity for the endorsement of the British certificate by United States officials, rather than appear as interposing any undue objections to proposals of such a nature as to render their acceptance at all possible, the Canadian government yielded to the wishes of the United States government, on condition that it should be distinctly understood that the language of the proposal should be changed so that the words "may be accepted" should read "shall be accepted," and that the endorsed certificate should be accepted by all boarding officers as proof that no fire-arms were carried.

The United States government, however, were unwilling to agree that the endorsement under such conditions should be final, holding that further search would be useful.

Thus no agreement was reached during the sealing season for the application of any supplementary proposals.

Correspondence on the subject was renewed by the United States in an endeavour to secure some arrangement which might be put in force during the season just closed, and they pressed for an agreement involving a return to the arrangement for the sealing up of arms.

On renewal of these propositions, the ground taken by the Canadian government was that there was nothing to justify supplementary measures in excess of the actual requirements of the Behring Sea Award Regulations.

The question had already engaged the attention of the government which had been willing to sanction a conditional agreement touching certificates of sealing vessels as to the presence of fire-arms on board in Behring Sea, which had failed to satisfy the United States, even though providing for a search by their own officials.

While nothing had occurred to change the views of the Canadian government, which still had full force and effect, and therefore no grounds existed upon which a reversal of those views could be based, and while still adhering to the belief that the practical extension of the regulations in the direction asked by the United States, instead of being operative of good, would prove a source of further complication and difficulty, nevertheless if in the opinion of Her Majesty's government the sealing up of arms on voluntary application of the masters, would tend to obviate useless searching and consequent irritation arising therefrom; and if Her Majesty's government were further of opinion that any guarantee against its improper use with attendant immunity from interference could be had, the Canadian government, with every desire to remove all cause of friction, would be inclined to defer to the wishes of Her Majesty's government, in so far as a renewal of the agreement for the sealing up of arms was concerned.

As regarded, however, the suggested examination of seal-skins on the arrival of the vessels at their port of destination, Canada remained satisfied that the reasons previously given were conclusive against the unnecessary concessions which the adoption of such a regulation would involve.

When the willingness of Her Majesty's government to renew the agreement for the sealing up of arms which had been in force during 1894, was communicated to the United States government, objection was taken to the insufficiency of such an arrangement, which it was said, was merely of a temporary and provisional nature, and inadequate to properly carry out the intent and purpose of the award, and therefore the proposal of Her Majesty's government for a renewal of the said arrangements was not acceptable to the United States' government.

At the same time the United States offered to give British sealers the benefit of articles IV., V. and VI. of the "Regulations governing (United States) vessels employed in the fur-seal fishing during the season of 1897."

The articles read as follows:—

ARTICLE 4.

In order to protect from unnecessary interference, sealing vessels found within the area of the award, during the closed season (that is to say between 30th April and 1st August), but which have not violated the law, any sealing vessel intending to traverse the area of the award during said closed season, on her way to her home or other port, or to or from the sealing grounds, or for any other legitimate purpose, may, on the application of the master, have her sealing outfit, including guns and ammunition, secured under seal, and an entry thereof made on her log-book. Such sealing up and entry shall be a protection to the vessel against seizure during the closed season, by any cruiser, so long as the seals so affixed shall remain unbroken, unless there shall be evidence of violation of the articles of the Award and said Act of Congress of 6th April, 1894, notwithstanding.

ARTICLE 5.

Such sealing up and entry may be effected in port or at sea, by any naval, consular, or customs officer of the United States, and at sea also by the commander of a British cruiser. An officer will be stationed at the island of Attu for this purpose from 1st July to 25th August.

The officer effecting the sealing up shall make entry in the vessel's log-book, certifying the fact and stating in detail the number and kind of guns and other sealing implements, the amount and kind of ammunition, and the number and sex of the seals and seal-skins on board.

ARTICLE 6.

All sailing vessels, bound to Behring Sea for the fur-seal fisheries, shall, before engaging in fur-seal fishing within the Award area in said sea, report to the officer of the Revenue Cutter Service stationed at Attu Island, or to the Deputy Collector of Customs at Unalaska.

The said officers shall respectively secure under seal the guns and ammunition on board all vessels thus reporting, which have not already been so secured under the provisions of article 4 of these rules and regulations, and shall in either event, make due entry thereof on the log-book of said vessel, stating in detail the number and kind of guns and other sealing implements, the amount and kind of ammunition, and the number and sex of the seals and seal-skins on board. Such sealing up shall afford the same protection as is provided under said article 4. In lieu of said sealing up the master of any vessel so reporting may deliver all guns and ammunition on board to the customs or revenue officers, respectively, in charge of said islands, said guns and ammunition to be held at the sole risk of said master until called for at the end of the sealing season.

Her Majesty's government was unable to accept the proposal for the adaptation of these regulations to British sealing vessels, but announced its willingness to instruct and subsequently did issue instructions to Her Majesty's ships patrolling the area affected by the Award, to seal up the arms and ammunition of any British vessel which might apply to them for the purpose, and at the same time to enter the fact upon the vessel's log.

This was acknowledged by the United States government, although it was feared that the intimation would reach the commander of the United States patrol fleet too late for the sealing season.

REQUEST OF SEALERS FOR RELAXATION OF PARIS REGULATIONS.

Early in the year the government received from the Governor of British Columbia an approved report of a committee of the Executive Council, setting forth that any agreement such as appeared possible for the closure of Behring Sea, would practically destroy the sealing industry in the province and jeopardize the financial position of a large number of persons whose interests were involved.

The present regulations had seriously affected the sealing industry and caused a falling off in the catch, which coupled with the low prices prevailing in the London markets, had resulted in great loss to the owners of sealing schooners and all concerned.

Three of the best sealing months—two on the coast and one in Behring Sea—formed the close season, and in other respects the regulations were arbitrary and excessively severe, therefore any revision should be in the direction of modification and provide against hardships and loss to the fleet, arising out of seizures on merely suspicious circumstances or for technical violations of the law, in order that the sealing business might be placed on a more secure basis.

This was followed by a further report of the Executive Council suggesting certain changes in the regulations, if a modification be found desirable at the end of 1898, in accordance with the award.

The adoption of such regulations it was thought would enable the sealers to carry on their industry without any unnecessary loss, and without any serious detriment to the seal herds.

These representations on behalf of the sealers were forwarded to Her Majesty's government, in order that they should have the benefit of the views of the sealers when approaching the discussion of any revision of the regulations, which may eventually require consideration.

It may not be inopportune, to remark in this connection, that notwithstanding the attitude of the United States government, and their unwearied efforts to mould the general opinion in the direction that seal hunting at sea must of necessity be discontinued, under the circumstances; there is nothing whatever in the Paris Award, nor in the specific portion thereof, which provides for a possible revision, that can give any colour to a demand that such a revision must need be directed solely to the detriment of pelagic sealing.

It is not to be forgotten that the necessity for a revision or modification of these restrictions is, by the terms of the award, made contingent upon the common agreement of the two governments, and a submission thereof every five years to a new examination is to enable both interested governments to consider whether, in the light of past experience, there is occasion for any change.

Considering the present condition of affairs, it may be that the full limit of restriction, especially in Behring Sea, consistent with a reasonable participation in the business, has been exceeded by the present regulations.

There is no necessity to attempt to justify the pelagic sealers; they are established in their vocation, with rights to be respected on the one hand and protected on the other; hence any new regulations must contemplate this position.

The opposing side should surely face the facts as they are found to exist, and if it be established that the two interests cannot proceed side by side, there seems to be no reason why the more general one should be sacrificed if the exigencies of the case seemed to demand the sacrifice of either.

PROPOSED CHANGES IN AWARD REGULATIONS.

Since the first year's test of the Paris Regulations, the United States government have been unremitting in their efforts to effect a revision of the restrictions upon pelagic sealing, and to bring into use some other code of regulations designed to entirely suppress all killing of seals at sea.

In April, 1897, this phase of the question developed in a proposal through the United States Ambassador at London, setting forth that as a result of the investigations into seal life conducted during 1896, the existing state of the Alaskan seals had forced itself, in the midst of many cares attending the organization of the administration, upon the attention of the President, to whom the depleted condition and prospective early extinction of the herd are matters of grave concern.

The Ambassador was consequently directed to communicate to Her Majesty's government the President's earnest hope and expectation that effective measures be immediately adopted by the respective governments, with a view to putting a stop to the indiscriminate slaughter of seals through pelagic sealing.

An immediate *modus vivendi*, based upon that of 1891, with equitable provision for the various interests involved, suspending all killing of all seals during the season of 1897, in Behring Sea, was proposed, such *modus vivendi* to be accompanied by an arrangement for a joint conference of the powers concerned for the purpose of agreeing upon necessary measures for the preservation of the seals in the North Pacific from extermination.

It was argued that to defer taking up the subject until the termination of the season of 1898, as contemplated by the Paris Award, would be fatal to the object in view, as should the destruction continue during two more seasons, the seals would have disappeared, and with them the necessity for a conference.

The views of the Canadian government as to the statement that the inference to be drawn from recent investigations was corroborative of the previous statements of the United States authorities as to the extent of the alleged decrease in seal life, were shown in an examination of the estimates in the number of fur-seals of all classes on the Pribilof Islands in 1895 and 1896.

Reference to United States Senate Executive Document, No. 137, part II., 54th Congress, 1st Session, p. 234, showed that Mr. Charles H. Townsend in 1895, estimated the number of breeding females on St. Paul and St. George Islands at 65,239 at the height of the season; 75,000 was the largest number he would admit were there.

Mr. Townsend is said to have had greater experience than any other agent of either the United States or British governments who visited the islands, and his estimate of the number of breeding seals in 1895 might be taken to be as nearly correct as possible.

It was discovered in 1896, however, that the count of breeding females at the height of the season represented only four-sevenths of the actual number, that is to say it was found there were 75 per cent more pups than the number of cows counted, so that in 1895, if the conditions were the same as in 1896, there were according to Mr. Townsend's estimate, 65,239 plus 75 per cent breeding cows, i.e.: 114,166.

Mr. F. W. True, curator of mammals, United States National Museum, also made a careful estimate of the seals of all classes on the Pribylov Islands in 1895. His estimate seems to have been carefully made. His estimate of the number of breeding seals on St. Paul's Island was 61,436, and on St. George Island 8,987, a total for both islands of 70,423. This estimate is about 5,000 higher than Mr. Townsend's specific figure, and about 5,000 lower than his maximum figure. If 75 per cent be added to Mr. True's estimate, the total number of breeding females in 1895 would be 123,240.

The actual number was probably somewhere between the figures of Mr. Townsend and Mr. True.

In 1896, counts and estimates similar to those of Messrs. True and Townsend, for the previous year, were made by Dr. Jordan, United States, Prof. Thompson, British, and Mr. Macoun, Canadian experts.

The actual number of breeding females on the Islands at one time at the height of the season, was estimated to be 81,793 as compared with Mr. Townsend's estimate of 65,239 and Mr. True's of 70,423 in 1895.

The total number of pups born in 1896 (143,071) was found to exceed the number of cows counted by 75 per cent; adding this 75 per cent the result is:—

	Cows.	Pups born.
Mr. True, 1895.....	70,423	123,240
Mr. Townsend, 1895.....	65,239	114,166
Observers of 1896.....	81,793	143,071

The estimates of these years are based on actual counts on several rookeries, and the rookeries available for comparison are Katavie and Lagoon.

In 1895, Mr. True found in Lagoon rookery at the height of the season 1,264 cows. Mr. Townsend found on the same rookery 1,216. Sen. Ex. Doc. No. 137, pt. 2, 54 Cong., 1 Sess., p. 101-135. In 1896 the count of the same rookery at the height of the season showed 1,474 cows. Dr. Jordan's Rept., p. 16.

In 1895 Mr. True found on Katavie rookery 2,640 cows: Mr. Townsend counted only 2,218, however, and Mr. True may have included part of Lukannon rookery which joins Katavie. S. Ex. Doc. p. 101-135.

In 1896 at the height of the season, 3,152 cows were counted on Katavie, a very material increase as compared with even Mr. True's count.

While in 1895 Mr. Townsend made no estimate of the whole number of seals on the Islands, Mr. True did, placing the numbers of bachelors, breeding bulls, cows and pups, on both islands at 155,977. This estimate was too small, because the actual number of cows is now supposed to have been 75 per cent larger than those counted, and he included no estimate of virgin females.

When these two factors are taken into consideration the total number of seals in 1895, according to his estimate, would be about 250,000.

Dr. Jordan in 1896, estimated the whole number of seals on the islands at from 429,147 to 479,147 a number greatly in excess of the 1895 estimates.

Mr. Macoun's estimates for 1896, are considerably higher than Dr. Jordan's. He placed the total number of seals upon the islands at 503,647.

In 1895 Mr. True estimated the whole number of bachelors of all ages, including the quota killed by the company at 24,144, whereas the lessees, during 1896, secured 30,000 first class skins without difficulty.

Therefore there was no evidence or data of any kind showing a decrease in the herd of seals between 1895 and 1896, beyond the bald statements in denunciation of pelagic sealing.

It was contended also that the investigation had practically disposed of one of the principal arguments of the United States as to the cause of death of pups upon the islands. This point is fully dealt with in this article under another heading.

The seizure of British ships on the high seas raised only the question of right under international law, but in the course of the voluminous correspondence the United States successfully contended against the Canadian position, and the Paris Award not only dealt with the question of natural history, which Canada had endeavored to keep outside the field of arbitration and which involved the regulation of the sealing industry on the high seas, but gave to it a very important position in the findings.

When the award regulations became known the United States authorities and those more intimately connected with the proceedings at Paris, did not hesitate to express the opinion that pelagic sealing could no longer proceed with profit, and that the interests of the lessees of the sealing privileges on the Pribylov Islands would not under the new condition of affairs be injuriously affected.

Every effort was brought to bear for the immediate adoption of legislation, and such legislation and instructions as were provided were considered by Canada to exceed in stringency the Treaty and Award obligations.

But pelagic sealing could and did proceed notwithstanding, and this fact alone was sufficient to condemn the regulations in the face of the undoubted rights of the sealers.

The position that the Paris Regulations should have the fair trial which the five years' term contemplated, or at any rate no revision thereof should be agreed to before the expiry of that term was adhered to, especially as no evidence had been adduced to show that the regulations had failed in their effect.

Touching the proposed international conference, a similar proposition had been advanced in 1895 and fully discussed. The controversy between the United States and Great Britain was limited to the protection of the seals on the Pribylov Islands, a matter in which no other nation had any concern.

No question had ever been raised as to the obligatory nature of the regulations, and obligations to the award, as well as to principle of arbitration, seemed to preclude any precipitate or premature revision.

Those engaged in the legitimate and precarious vocation of pelagic sealing it was considered had reason to expect ordinary protection in their rights, and there was no ground to regard their competition with others other than in the ordinary light.

It is impossible to reconcile the two methods of reaping the seal harvest, but no reason has been shown why the pelagic sealing industry alone should suffer, unless it be a desire for the rehabilitation of the lessees of the islands in a monopoly of the fur-seal business.

Without an entire reversal of position, Canada could not entertain any views on this renewed proposal for a suppression of pelagic sealing other than in direct opposition thereto.

Only two sealing seasons intervened between the date set for the revision of the regulations, and it did not seem unreasonable to expect of the United States government that they should abide by the regulations which had been brought about through their own exertions.

It was believed that it had been clearly demonstrated that there was no ground for the fear expressed by the President of the early extinction of the seal herd, or of the anticipated disappearance of the seals before the time arrives for the revision of the regulations under the terms of the award.

Indeed just grounds appeared to obtain from which to reach the exact opposite conclusion, and no justification was apparent to anticipate any abnormal decrease or destruction during the remaining two seasons.

In the face of the fact that it was the intention of Great Britain and Canada to continue expert examination into seal life during 1897, by which it was expected to augment very considerably the information possessed as to the contentions affecting

the relative destruction of pelagic sealing, which contention had been materially weakened by the observations of 1896; the time did not seem ripe for change.

There was besides a very practical difficulty in the way of an *interim* arrangement in the fact that the sealers were already operating on the Asiatic side, and under the most favourable circumstances any *modus vivendi* could be but a partial success.

Moreover, in view of their vindicted rights, the sealers could with much more reason and justice demand full and complete compensation for the loss or interference with their business than in 1891, before the Paris Award, for which year Great Britain paid them a large sum when they prohibited sealing on Behring Sea, thus admitting the principle of compensation.

Neither Great Britain nor Canada could be expected to contribute to compensation under the changed conditions for a curtailment of rights of the sealers in the open ocean.

However important it might be that wholesome and economic regulations should exist for the preservation of the seal race, there were yet to be safeguarded the interests of Her Majesty's subjects in Canada in a reasonable participation in an important industry expressly sanctioned and regulated by international arbitration.

The result of the proposal was instructions from the Imperial Government to the Ambassador at Washington, 22nd April, 1897, for a reply to the United States Government to the following effect.

Similar statements as to the immediate disappearance of the herd had been made in previous years, but experience had shown that the fears then expressed were groundless, and Her Majesty's government were convinced that they would prove to be equally so on the present occasion. The small catch and low prices obtained for the skins in 1896 brought many of the owners of the sealing vessels to the verge of bankruptcy, and were Her Majesty's government to prohibit pelagic sealing altogether for 1897, it would mean the probable ruin of a considerable number of British subjects engaged in a lawful industry. Of course, if the United States government were prepared to give adequate compensation to the sealing fleet on account of its enforced abatement from the fishery during the season, Her Majesty's government would have no reason for refusing their assent to the proposal for a *modus vivendi*, but they did not gather that such was the case, and it would be impossible for them to submit a vote to Parliament for the purpose, holding as they did that no sufficient reason had been shown for its necessity.

As regards the proposed conference, Her Majesty's government believed that further investigation was necessary on many points connected with seal life before the questions at issue could be discussed with the hope of attaining any satisfactory result.

Dr. Jordan and Professor Thompson were agreed upon the importance of an accurate count of seals on the principal rookeries during several seasons in order to ascertain the changes from year to year, and there were other important points mentioned in the conclusion of Mr. Thompson's report on which, pending further inquiry, he found it desirable to suspend judgment.

Admittedly, the investigations of 1896 afforded for the first time any really reliable statistics in regard to the condition of the herd, and all previous reports received on the subject were practically valueless for purposes of comparison.

To estimate accurately the effect on the herd of the various agencies for the time at work, reliable statistics, extending over a sufficient period to enable accidental circumstances to be eliminated, should be available, and Her Majesty's government adhered to the view that further investigation was required before the question of revising the regulations could be considered.

In a later communication, 7th May, referring to the same proposal, the Marquis of Salisbury wrote the Ambassador at Washington as follows:

"Until such information is available it would, in the opinion of Her Majesty's government, be premature to enter upon the proposed conference to discuss measures based on conjectures admitted to be of doubtful value, and the interests of this country in the question are too serious to warrant Her Majesty's government in imperilling them by the adoption of any hasty decision."

EXPERT INVESTIGATION ON THE PRIBYLOV ISLANDS.

The expert examination into seal life on the rookeries was continued during the season just closed, Her Majesty's government being represented as in 1896, by Professor D'Arcy Wentworth Thompson and Mr. Barrett-Hamilton, and the Canadian government by Mr. James M. Macoun. The United States representation was entrusted again to Dr. David Starr Jordan and his assistants.

A notable feature in the results of this year's investigations was the discovery of the vast inroads upon the herd by the parasitic worm *uncinaria*, which was found to exist to a most alarming degree in the nursing pups. So destructive is this parasite now known to be that it is admitted that the number of dead pups counted on the rookeries between August 8th and 14th, 1896, 11,045, while recognized to be an under estimate, was almost wholly attributed to the ravages of this deadly scourge, and there is every reason for believing the effect to be continuous throughout the whole season since the death rate still increases.

It will be remembered that prior to the recent investigations into the natural history of the seals, even as recently as 1894 and 1895, the large number of dead pups found upon the islands was charged entirely and without qualification to the effects of pelagic sealing through killing the nursing mothers at sea, their offspring dying from starvation upon the islands.

From that contention the Canadian government has sedulously dissented, holding that some other and more reasonable causes were to be sought for the abnormal death rate of the young pups in their natural environment.

The observations of 1896, however, tended very considerably to nullify the United States contentions, and at least to make it necessary to greatly qualify the broad and unsupported assertions in the one direction. Hence, it was demonstrated that among the natural causes of the death of pups were to be found the important factors: trampling by fighting bulls or by moving bulls and cows; starvation of pups strayed from their mothers or who had lost their mothers from natural causes; ravages of the killer whale; drowning in storms and many other minor causes which might be enumerated.

It may here be mentioned that while in 1896 great stress was laid upon the loss of young seals through trampling, the importance of this particular source of loss was much diminished by the facts demonstrated in 1897 as to the effects of the *uncinaria*.

If Canada had to look for any further vindication of her attitude in this respect, it is surely to be found in the extraordinary developments of 1897, which has unmasked a menace to seal life, in the shape of a parasite, of which the pelagic sealers are profoundly innocent, and which far outweighs any factor of destruction that has ever yet been shown to obtain or even has been charged.

The facility with which this cause of death might be confounded with starvation, will appear from the following extract from Mr. Macoun's report: "The number of 'so called starving pups must also have been greatly overestimated in 1896. One 'of the effects of the *uncinaria* is to give the pups upon which it is preying a woe-begone listless look that has hitherto been assumed by everyone—myself included —to be a sure sign of starvation."

Canada has never contended that pelagic sealing may not have been one of the causes of the death of pups, only that it has not been the main cause of death, or as has been so persistently contended by the United States government, the sole cause.

Let us consider the effect of these discoveries. We find admittedly, say 11,000 dead pups upon the islands from one known cause, whose mothers need no longer remain there for the purpose of looking after their young. Hence, we could have at sea a corresponding number, 11,000 females with milk, to all appearances nursing mothers, every individual of which might be killed by the pelagic sealers without involving the loss of a single pup upon the islands.

It has been time and again asserted by the United States that female seals killed at sea were either pregnant or nursing, the former on the coast and the latter in Behring Sea. It is now admitted, however, that there are included not only these

classes but also young seals that are not pregnant and others that have not yet brought forth young, with such others also as have lost their young through the various causes of natural mortality.

Contrasting this fact with the attitude of the United States, that every female seal in milk found at sea necessarily left an unprotected pup to starve upon the islands, shows the fallacy of the position so untiringly maintained throughout the diplomatic correspondence.

THE CONFERENCE OF FUR-SEAL EXPERTS.

During the presence in England of the Canadian Premier and the Minister of Marine and Fisheries last summer, the United States Seal Commissioner, Hon. John W. Foster, proposed to Her Majesty's government a conference of the fur-seal experts for the purpose of reaching some common conclusion as to the actual present condition of the seal herd upon the Pribylov Islands.

The Canadian representatives, to whom the proposition was referred, recorded their assent to a conference in effect as follows:—

The proposal was understood to be that a conference or meeting should be had at Washington during the autumn, between representatives of the governments of Her Majesty, the United States and Canada, which conference or meeting should also be attended by the several experts then engaged in making observations and collecting facts with respect to seal life in Behring Sea and the Pribylov Islands. The object of the conference or meeting would be to collate the facts and observations gathered by the experts, with a view, if possible, of arriving at correct conclusions respecting the numbers, condition and habits of the seal herd frequenting the Pribylov Islands at the present time, and as compared with the several seasons since the Paris Award.

It was believed that such a meeting or conference might result in great good. Personal interviews and discussions between the experts would probably result in, at least, an agreement upon the main facts which the respective governments were desirous of ascertaining. The understanding, of course, being that such a meeting or conference would not in any way be authorized to alter or modify the existing regulations under which the sealing industry was being carried on; but regulations could be more intelligently discussed afterwards by the several governments interested, in the light of the facts collected by the experts and collated at the proposed meeting.

This was followed by an agreement between the governments of Great Britain and the United States, which was communicated by the Marquis of Salisbury in a note to the United States Ambassador at the Court of St. James, in the following language:—

In the last paragraph of the despatch addressed to you by Mr. Sherman under date of the 16th May last, and communicated by you to me on the 22nd of that month, a wish is expressed for a conference of the Powers interested in the fur-seal fishery of the North Pacific.

In reply, I have to state that Her Majesty's government are willing to agree to a meeting of experts nominated by Great Britain and Canada and by the United States, in October next, when the further investigations to be made on the islands during the present season will have been completed. *The object of the meeting would be to arrive, if possible, at correct conclusions respecting the numbers, conditions and habits of the seals frequenting the Pribylov Islands at the present time as compared with the several seasons previous and subsequent to the Paris Award.*

It seems to Her Majesty's government that Washington would be the most suitable place for such a meeting.

Efforts were made by the United States government to induce Her Majesty's government to include Russia and Japan in the conference as interested nations, but after considerable correspondence on the subject, Her Majesty's government adhered to the terms of the general agreement, which in no way contemplated the inclusion of nations other than those having direct interest in the Pribylov Islands, and it was not apparent what useful purpose could be served by the participation of Russia and Japan in a meeting of experts appointed to consider the state of the seal herd frequenting them.

If therefore transpired that the final agreement confined the conference to representatives of Great Britain, Canada and the United States, the object and scope of the meeting being formally and expressly defined in language italicized in the above quotation from Lord Salisbury's note.

Failing to arrange a conference of broader scope, the United States government participated in a separate meeting with Russia and Japan touching the sealing question just previous to the one above explained. The conclusions reached, however, have not been communicated to the Canadian government, neither Great Britain nor Canada taking any actual interest therein.

The conference between Great Britain and the United States met at Washington on the 10th November, 1897, the delegates being:

On the part of Great Britain, Professor D'Arcy Wentworth Thompson.

On the part of Canada, James Melville Macoun.

On the part of the United States, Hon. Charles Sumner Hamlin and Dr. David Starr Jordan.

Mr. C. F. Frederick Adam, representing Her Majesty's Embassy, Hon. Sir Louis H. Davies, representing Canada, and Hon. John W. Foster, representing the United States, attended the meeting.

The conference was concluded on the 17th November, 1897, after a "Joint statement of conclusions respecting the fur-seal herd frequenting the Pribilof Islands and Behring Sea" had been formally agreed to and signed by the several delegates.

The text of the finding of the experts is as follows:—

Joint Statement of Conclusions Respecting the Fur Seal Herd Frequenting the Pribilof Islands in Behring Sea.

The undersigned, duly empowered delegates, engaged during recent years in the investigation of the condition and habits of the fur seal herd frequenting the Pribilof Islands in Behring Sea, viz.:—

On behalf of Great Britain—D'Arcy Wentworth Thompson;

On behalf of Canada—James Melville Macoun,

On behalf of the United States—Charles Sumner Hamlin and David Starr Jordan;

Have met in conference under instructions from our respective governments. Under these instructions we were directed:

"To arrive, if possible, at correct conclusions respecting the numbers, conditions and habits of the seals frequenting the Pribilof Islands at the present time as compared with the several seasons previous and subsequent to the Paris Award."

As a result of such conference, now completed, we, the above-named Charles Sumner Hamlin, David Starr Jordan, D'Arcy Wentworth Thompson, and James Melville Macoun, find ourselves in accord on the propositions contained in the following joint statement of conclusions respecting the fur seal herd frequenting the Pribilof Islands, and make this our report.

JOINT STATEMENT.

1. There is adequate evidence that, since the year 1884, and down to the date of the inspection of the rookeries in 1897, the fur seal herd of the Pribilof Islands, as measured on either the hauling grounds or breeding or breeding grounds, has declined in numbers at a rate varying from year to year.

2. In the absence for the earlier years of actual counts of the rookeries such as have been made in recent years, the best approximate measure of decline now available is found in these facts:

(a) About 100,000 male seals of recognized killable age were obtained from the hauling grounds each year from 1871 to 1889. The table of statistics given in appendix I shows, on the whole, a progressive increase in the number of hauling grounds driven and in the number of drives made, as well as a retardation of the date at which the quota was attained during a number of years previous to 1889.

(b) In the year 1896, 28,964 killable seals were taken after continuing the driving till 27th July, and in 1897, 19,189 after continuing the driving till 11th August.* We have no reason to believe that during the period 1896 and 1897 a very much larger number of males of recognized killable age could have been taken on the hauling grounds.

The reduction between the years 1896 and 1897 in the number of killable seals taken, while an indication of decrease in the breeding herd, can not be taken as an actual measure of such decrease. A number of other factors must be taken into consideration, and the real measure of decrease must be sought in more pertinent statistics drawn from the breeding rookeries themselves.

3. From these data it is plain that the former yield of the hauling grounds of the Pribilof Islands was from three to five times as great as in the years 1896 and 1897, and the same diminution to one-third or one-fifth of the former product may be assumed when we include also the results of hunting at sea.

4. The death rate among the young fur seals, especially among the pups, is very great. While the loss among the pups prior to their departure from the islands has been found in the last two

* The nominal quota of 30,000 for 1896 and of 20,890 for 1897 included food skins taken in the fall of 1895 and 1896.

years to approach 20 per cent of the whole number born, and though the rate of subsequent mortality is unknown, we may gather from the number which return each year that from one-half to two-thirds have perished before the age of three years—that is to say, the killable age for the males and the breeding age for the females.

5. The chief natural† causes of death among the pups, so far as known at present, are as follows, the importance of each being variable and more or less uncertain :

(a) Ravages of the parasitic worm, *Uncinaria*, most destructive on sandy breeding areas and during the period from 15th July to 20th August.

(b) Trampling by fighting bulls or by moving bulls and cows, a source of loss greatest among very young pups.

(c) Starvation of pups strayed or separated from their mothers when very young or whose mothers have died from natural causes.

(d) The ravages of the great killer (*Orca*), known to be fatal to many of the young and perhaps also to older seals.

At a later period drowning in the storms of winter is believed, but not certainly known, to be a cause of death among the older pups.

6. Counts of certain rookeries, with partial counts and estimates of others, show that the number of breeding females bearing pups on St. Paul and St. George was, in 1896 and 1897, between 160,000 and 130,000, more nearly approaching the higher figure in 1896 and the lower in 1897. **

7. On certain rookeries, where pups were counted in both seasons, 16,241 being found in 1896, and 14,318 in 1897, or, applying a count adopted by Professor Thompson, 14,743 in the latter year, there is evident a decrease of 9 or 12 per cent within the twelve month in question. The count of pups is the most trustworthy measure of numerical variation in the herd. The counts of harems, and especially of cows present, are much inferior in value. The latter counts, however, point in the same direction. The harems on all the rookeries were counted in both seasons. In 1896 there were 4,932; in 1897 there were 4,418, a decrease of 10.41 per cent. The cows actually present on certain rookeries at the height of the season were counted in both seasons. Where 10,198 were found in 1896, 7,307 were found in 1897, a decrease of 28.34 per cent.†

8. It is not easy to apply the various counts in the form of a general average to all the rookeries of the islands. We recognize that a notable decrease has been suffered by the herd during the twelvemonth 1896 to 1897, without attempting, save by setting the above numbers on record, to ascribe to the decrease more precise figures.

9. The methods of driving and killing practised on the islands, as they have come under our observation during the past two years, call for no criticism or objection. An adequate supply of bulls is present on the rookeries; the number of older bachelors rejected in the drives during the period in question is such as to safeguard in the immediate future a similarly adequate supply; the breeding bulls, females, and pups on the breeding rookeries are not disturbed; there is no evidence or sign of impairment by driving of the virility of males; the operations of driving and killing are conducted skilfully and without inhumanity.

10. The pelagic industry is conducted in an orderly manner and in a spirit of acquiescence in the limitations imposed by the law.

11. Pelagic sealing involves the killing of males and females alike, without discrimination and in proportion as the two sexes coexist in the sea. The reduction of males effected on the islands causes an enhanced proportion of females to be found in the pelagic catch; hence this proportion, if it vary from no other cause, varies at least with the catch upon the islands. In 1895, Mr. A. B. Alexander, on behalf of the Government of the United States, found 62.3 per cent of females in the catch of the *Dora Steverd* in Behring Sea, and in 1896, Mr. Andrew Halkett, on behalf of the Canadian Government, found 84.2 in the catch of the same schooner in the same sea. There are no doubt instances, especially in the season of migration and on the course of the migrating herds, of catches containing a very different proportion of the two sexes.

12. The large proportion of females in the pelagic catch includes not only adult females that are both nursing and pregnant, but also young seals that are not pregnant and others that have not yet brought forth young, with such also as have recently lost their young through the various causes of natural mortality.††

† That is to say, not including losses ensuing from the killing of mothers at sea.

The number of dead pups counted on the rookeries between 8th August and 14th, in 1896, was 11,045. It is recognized that this number is an underestimate, in as much as a greater number must have been overlooked than were counted twice. It is also recognized that the great majority of these pups died from the attacks of the worm *Uncinaria*.

* The importance of this source of loss we now find to be much less than was supposed to be the case from the investigations made in 1896. (See Reports for 1896, Jordan, p. 45; Thompson, p. 20; Macoun, MSS.)

** For detailed account of the census of 1896, see Jordan, Preliminary Report for 1896, p. 15; Thompson, Report for 1896, p. 19; Macoun, Report, 1896, MSS. For a discussion of suggested corrections to the census of 1896, Jordan, Final Report, 1897. For details of the census of 1897, see Thompson, Report, 1897; Macoun, Report 1897; Jordan, Report, 1897. A correction to be made in the census of 1896 arises from the agreed assumption that the total number of breeding females was 1.75 times the number seen in the height of the season. Later observations show that the actual total is at least twice the maximum number ever seen at once on a rookery.

† The extreme irregularity of the number of cows present on the rookeries from day to day, and the consequent invalidity of any comparison of their number, is shown by the counts made on Lukanin and Kitovi rookeries during the season of 1897. See Appendix II.

†† Statements on which to base an estimate of the relative numbers of these several classes are necessarily incomplete, but the following notes may serve as a partial guide:

Townsend, Report 1895, pp. 46, 47.
Alexander, Report 1895, pp. 142, 143.
Macoun, Report 1897, MSS.
Lucas, Report 1897, MSS.

13. The polygamous habit of the animal, coupled with an equal birth rate of the two sexes permits a large number of males to be removed with impunity from the herd, while, as with other animals, any similar abstraction of females checks or lessens the herd's increase, or, when carried further, brings about an actual diminution of the herd. It is equally plain that a certain number of females may be killed without involving the actual diminution of the herd, if the number killed do not exceed the annual increment of the breeding herd, taking into consideration the annual losses by death through old age and through incidents at sea.

14. While whether from a consideration of the birth rate or from an inspection of the visible effects, it is manifest that the take of females in recent years has been so far in excess of the natural increment as to lead to a reduction of the herd in the degree related above, yet the ratio of the pelagic catch of one year to that of the following has fallen off more rapidly than the ratio of the breeding herd of one year to the breeding herd of the next.[†]

15. In this greater reduction of the pelagic catch, compared with the gradual decrease of the herd, there is a tendency toward equilibrium, or a stage at which the numbers of the breeding herd would neither increase nor decrease. In considering the probable size of the herd in the immediate future, there remains to be estimated the additional factor of decline resulting from reductions in the number of surviving pups caused by the larger pelagic catch of 1894 and 1895.

16. The diminution of the herd is yet far from a stage which involves or threatens the actual extermination of the species, so long as it is protected in its haunts on land. It is not possible during the continuance of the conservative methods at present in force upon the islands, with the further safeguard of the protected zone at sea, that any pelagic killing should accomplish this final end. There is evidence, however, that in its present condition the herd yields an inconsiderable return either to the lessees of the islands or to the owners of the pelagic fleet.

D'ARCY WENTWORTH THOMPSON,
JAMES MELVILLE MACOUN,
CHARLES SUMNER HAMLIN,
DAVID STARR JORDAN.

[†] The catch of the pelagic fleet, Canadian and American, in 1897 in Bering Sea, was 16,657 seals. In the summer of 1896 it was 29,500. The aggregate catch which directly influenced the herd of 1897 was 38,922, a number made up by adding to the summer's catch of 1896 the north-west coast catch in the spring of 1897. Up to the present time, accordingly, the pelagic catch already taken (16,657) and operating directly against next year's supply is 57.22 per cent less than the pelagic catch which operated against the supply of 1897 (see, also, Appendix I); or, if compare merely the summer catches, inasmuch as the possible spring catch of 1896 is an unknown factor, we have a reduction of 43.46 per cent.

APPENDIX I.

Statistics regarding land and sea killing, 1871-1897.

Year.	Date quota filled. (a.)	Hauling grounds driven. (a.)	Number of drives. (a.)	Killed on land. (b.)	Killed at sea.
1871.....	July 28.....	46	43	102,960	16,911
1872.....	25.....	43	30	108,819	5,336
1873.....	24.....	51	37	109,177	5,229
1874.....	17.....	61	41	110,585	5,873
1875.....	16.....	55	37	106,460	5,033
1876.....	Aug. 1 (c.)...	36	30	94,657	5,515
1877.....	July 14.....	44	32	84,310	5,210
1878.....	18.....	54	35	109,323	5,544
1879.....	16.....	71	36	110,411	8,557
1880.....	17.....	78	38	105,718	8,418
1881.....	20.....	99	34	105,063	10,382
1882.....	20.....	86	36	99,812	15,551
1883.....	19.....	81	39	79,509	16,557
1884.....	21.....	101	42	105,434	16,971
1885.....	27.....	106	63	105,024	23,040
1886.....	26.....	117	74	104,521	28,494
1887.....	24.....	101	66	105,760	30,628
1888.....	27.....	102	73	103,304	26,189
1889.....	31.....	110	74	102,617	29,858
1890.....	20 (d.)...	87	55	28,059	40,814
1891.....		(e.)	(e.)	12,040	59,568
1892.....		(e.)	(e.)	7,511	46,642
1893.....		(e.)	(e.)	7,396	30,812
1894.....	Aug. 4.....			16,270	61,838
1895.....	July 27.....			14,846	56,291
1896.....	27.....	31	21	28,964	43,917
1897.....	Aug. 7.....	42	27	20,890	(f.) 25,079

(a.) These figures refers to the hauling grounds of St. Paul.

(b.) These totals include all males killed for any purpose on the islands.

(c.) In 1876 the killing was begun at an unusual date, said to be on account of an exceptionally late season.

(d.) Closed by order of the agent in charge.

(e.) Years of the *modus vivendi*.

(f.) As reported to date.

APPENDIX II.

Record of arrival of cows.*

		Date.	Cows present.	Date.	Cows present.
on (b.)		<i>Amphitheatre of Kitovi.</i>		<i>Record of harems—Continued.</i>	
	Killed at sea.	June 12	0	July 13	46
		13	0	25	53
960	16,911	14	2	<i>Lukanin rookery.</i>	
819	5,336	15	3	June 12	1
177	5,229	16	3	13	1
585	5,873	17	4	14	3
460	5,033	18	6	15	5
657	5,515	19	7	16	6
310	5,210	20	8	17	11
323	5,544	21	9	18	19
411	8,557	22	23	19	25
718	8,418	23	37	20	37
063	10,382	24	45	21	52
812	15,551	25	56	22	74
509	16,557	26	76	23	103
434	16,971	27	105	24	131
024	23,040	28	137	25	176
521	28,494	29	168	26	207
760	30,628	30	210	27	257
304	26,189	July 1	246	28	
617	29,858	2	290	29	
059	40,814	3	362	30	635
040	59,568	4	414	July 1	
511	46,642	5	499	2	890
396	30,812	6	518	3	938
270	61,838	7	550	4	1,088
846	56,291	8	585	5	1,197
964	43,917	9	587	6	1,264
890	(f.) 25,079	10	660	7	1,371
		11	703	8	1,531
		12		9	1,541
		13	654	10	1,680
		14	556	11	1,755
		15	703	12	
		16	678	13	1,736
		17	698	14	1,841
		18	566	15	306
		19	556	16	327
		20	429	17	325
		21	528	18	338
		22	416	19	228
		23	469	20	290
		24	465	21	214
		25	426	22	215
		26	463	23	219
		27	406	24	212
		28	304	25	196
		29	414	26	186
		30	427	27	148
		31	375	28	157
		<i>Record of harems.</i>		29	177
		June 14	1	30	149
		20	3	31	127
		30	1C		124
		July 8	35		

* Weather clear; no storms or surf—except one day when rain fell, causing a larger number of cows to take to the water and making it difficult to distinguish those present from the rocks.

† Rain.

‡ After July 14, it became impossible, on account of the scattering of the cows, to continue the count for the entire rookery without a great loss of time, and so a section of 18 harems was singled out and the count continued on it.

Immediately following the finding of the experts, a meeting of the diplomatic and executive representatives of the three governments took place to discuss the broader question of executive action in connection with the Behring Sea seal question, together with the possible adjustment of certain other important questions pending between Canada and the United States in connection with fisheries, reciprocal immigration, commercial reciprocity, etc.

This meeting concluded without any definite result in the direction of immediate action, and although the proceedings were not made public, the propositions as submitted by the representatives on the part of the United States were published in the press in the following form :—

At a conference, November 16th, with Sir Wilfrid Laurier, Sir Louis Davies and Mr. Adam, of the British Embassy, Mr. Foster (for the United States) proposed :

First. That the governments of Great Britain and the United States agree at once to a *modus vivendi* providing for a complete suspension of the killing of seals in all the waters of the Pacific Ocean and Behring Sea, for one year from December 31, 1897, and for suspension of all killing of seals on the Pribylov Islands for the same period.

Second. That the British Ambassador and one or more representatives of the Canadian government, on the one part, and such representative or representatives as may be designated by the President of the United States, on the other part, shall, with as little delay as possible, take up for consideration, with a view to settlement by means of treaty stipulations, the fur-seal question, the protection of fish in the waters of rivers and lakes contiguous to the United States and Canada, the subject of reciprocal emigration, commercial reciprocity, or any other unsettled question between the United States and Canada, which either of the governments may see proper to bring forward.

On the return of the Canadian representatives certain correspondence was exchanged between them and the United States negotiators, the principal communications have just been published in an executive document of the United States government, and may be included in this connection :

Sir Wilfrid Laurier to Mr. Foster

PRIVY COUNCIL, CANADA, OTTAWA, 24th November, 1897.

DEAR MR. FOSTER,—Your memorandum embracing the substance of proposals made by you at a conference held between you and myself, Sir Louis Davies and Mr. Adam of the British embassy, has been submitted by me since my return to Ottawa to my colleagues.

Your second proposition practically embodies the suggestions made by myself and my colleagues, and meets, I need hardly say, with the full approval of the Canadian government. Though the regulations prepared by the Paris tribunal for the killing of seals in Behring Sea and in the Pacific Ocean have been made revisable only at the end of five years, we are quite willing to enter at once and without waiting for the end of the period thus fixed, into an agreement to review the whole question for the object of settling by treaty stipulations, not that question alone but all others in which at present the relations between the two countries are not as satisfactory as they ought to be, viz : "The protection of fish in the waters of rivers and lakes contiguous to the United States and Canada, the subject of reciprocal immigration, commercial reciprocity, of any other unsettled question between the United States and Canada which either government may see proper to bring forward."

This proposition, however, is made by you contingent upon and subject to the condition contained in the first : "That the governments of Great Britain and the United States agree at once to a 'modus vivendi' providing for complete suspension of the killing of seals in all the waters of the Pacific Ocean and Behring Sea for one year from December, 1897, and for a suspension of all killing of seals on the Pribyloff Islands for the same period."

There are difficulties in agreeing to that proposition, which I fear will be found insuperable.

Immediately on my return I requested my colleague, Sir Louis Davies, to obtain information as to the number of sealers who are fitting out for the coming year's operations and as to the approximate compensation it would be expected to be paid to them in case pelagic sealing was prohibited for a year.

The information furnished me is to the effect that the fleet is preparing as usual, that the prohibition of pelagic sealing for a year would practically destroy the business for several years, because the masters, the mates and white crews for the larger part, belonging to other parts of Canada would leave British Columbia. The sum which would likely be demanded as compensation is far beyond what it would be possible for us to induce parliament to vote even if we could recommend it.

Under these circumstances, and in view of the finding of the experts at the late conference, that in the greater reduction of the pelagic catch of late years, compared with the gradual decrease of the herd, there is a tendency towards equilibrium, or a stage at which the numbers of the breeding herd would neither increase nor decrease, and further that 'the diminution of the herd is yet far from a stage which involves or threatens the actual extermination of the species so long as it is protected in

its haunts on land.' I am in hopes that you will agree to the proposition submitted at our verbal conference by Sir Louis Davies and myself and not press for the immediate suspension of pelagic sealing. The coast catch during the months of January, February, March and April, as gauged by the catches of the past few years, is very small. Last year the catch of the Canadian sealing fleet amounted only to six thousand one hundred, and in the year before, to eight thousand three hundred and fifty. If the fleet, therefore, are permitted to prosecute pelagic sealing for these four months, but little comparative harm would be done to the herd. Following these months is the close season, embracing May, June and July, during which, of course, no pelagic sealing can be carried on except on the Asiatic coast. It appears to me, therefore, highly probable that the joint commission suggested could finally conclude its labours long before the time when, under the Paris regulations pelagic sealing could begin in Behring Sea.

If that commission reached a satisfactory conclusion, and the Congress of the United States approved of it, there would be no difficulty in obtaining the necessary imperial legislation to carry out whatever recommendations might be agreed to which respect to the suspension or cessation of pelagic sealing in time to prevent the prosecution of the business in Behring Sea next year.

It is obvious, however, that any conclusion which might be reached by the joint commission must, to be effective, be ratified by Congress as well as by imperial legislation, and unless the session of Congress which opens in the coming month of December and closes, I understand, about the 4th of March, ratifies any treaty which might be agreed to before its termination, it would necessarily lie over for another year.

This would involve the renewal of the suspension for a second year, with a further claim for compensation on the part of the sealers. I would also more strongly urge upon you the view here presented, because pelagic sealing being at present a legitimate business carried on under the sanction of the Paris regulations cannot be stopped until the imperial parliament has enacted the necessary legislation prohibiting it, and as that parliament will not meet until early in February next it seems obvious that such legislation could not be hoped for until, at any rate, late in the month of February. At that date, the result of the labours of the joint commission, if it was constituted at an early day, would be known and could be submitted for approval at the coming session of Congress.

Under all these circumstances, therefore, we do not see how it is possible to agree to the suggested suspension, but we see no reason to doubt, if the appointment of a joint commission results in the submission of a treaty which Congress would ratify, the necessary imperial legislation could be procured in time to carry out its recommendations will regard to Behring Sea sealing before the close season ends and pelagic sealing begins and so attain the object you have in view.

Yours respectfully,

WILFRID LAURIER.

Mr. Foster to Sir Wilfrid Laurier.

DEPARTMENT OF STATE, WASHINGTON, December 2, 1897.

DEAR SIR WILFRID,—I received, on the 30th ultimo, through the British embassy, your letter of the 24th ult., in which you kindly communicate your answer to the proposition which I submitted in the conference which I had the pleasure to hold with you, your colleague and Mr. Adam, of the British embassy, on the 16th ultimo.

Your answer is in effect a declination of my proposition, and a renewal of the proposal made in the conference by Sir Louis Davies, and which at the time I stated my government could not accept.

The considerations in support of your colleague's proposal, re-stated by you, have been submitted to the President, and he directs me to express his regret that they are not of such a nature as to justify him in reversing the position taken by me in our conference.

You intimate that if pelagic sealing is continued during the earlier months of the year the catch would not exceed 6,000, which you think would do little harm to the herd. This might be the case if it were in its normal condition, but such a catch now would be approximately equal to 30,000 in normal times, and in its present depleted condition would create a serious inroad on the herd. The state of "equilibrium" contemplated by the experts to which you refer was at a still more depleted stage than even now exists. It is admitted that the industry is at present unprofitable for both the lessees and the pelagic sealers. Should the herd reach the "equilibrium" pointed out by you it will have passed the period when negotiations will be of any avail.

But in addition to the injury that a continuance of early pelagic sealing will do to the herd, it will also entail on the United States the heavy expense of patrol during the entire summer, even though a settlement should be reached, as you think possible, before August, as the Victoria fleet will be at sea, an expense which for the past four years has averaged about \$150,000 annually.

As to your statement that the imperial parliament will not convene till February, we should be quite willing to have the proposed suspension of sealing take effect at such a date in February as would enable the necessary legislation to be passed provided a *modus vivendi* could be signed at once. Such an arrangement, would, it is believed, obviate the general difficulty to which you refer.

There is no disposition on our part to embarrass the Dominion government by asking impossible or unreasonable conditions. This is the more apparent when I recall the fact that four years ago when the Paris tribunal rendered its award, that body, in view of the critical condition to which the herd was then reduced, recommended the two governments to suspend the killing of seals for a period of two or three years. If such a measure was called for then, how much more reasonable is the request for a single season's suspension now, after four more years of disastrous slaughter of female seals during which period the experts agree the herd has steadily declined.

Your frank courteous letter reveals the fact, to which I had occasion to refer during your recent friendly visit to this city and which constitutes a serious obstacle to our negotiations. We seem to have failed to impress upon the Canadian government, past or present, our view that pelagic sealing ought to be voluntarily given up because it is unneighbourly in that it is destroying a valuable industry of our government, and inhumane because it is exterminating a noble race of animals useful to the world. We paid Russia a large sum for Alaska and the chief prospective return then visible was the seal industry, which had yielded the Russian government and subjects large profit. We enjoyed the industry undisturbed for about fifteen years reaping a rich return to the government and the lessees, the estimated revenue to the federal treasury up to 1891 being over \$11,000,000, a sum much larger than was paid to Russia for the entire territory. Suddenly the pelagic sealers entered upon the work of destruction and they have brought the industry to the point when it is no longer profitable. This work of destruction has been prosecuted as a conceded legal avocation, and when we have called attention to the rapid diminution of the herd and the treaty obligation to protect and preserve it we have been met by the declaration that its actual extermination is not immediately threatened. When it is proposed to negotiate for the surrender of the legal right of pelagic sealing we are told that this cannot be brought about by a fair compensation to those engaged in the industry, but that the question must be included with a number of other subjects having no relation to it whatever and that it must await the fate of all these matters, some of which, as commercial reciprocity and the tariff, are very complex in their character, and others, as the northern sea fisheries, of long standing and very difficult of adjustment.

Notwithstanding the President feels that the subject of the proper protection of the seals should not be complicated with other questions of intricate public policy and conflicting interests, in his earnest desire to promote a more friendly state of relations between the two neighboring countries, he has consented that all those questions should be embraced in one series of negotiations if meanwhile a *modus vivendi* could be agreed upon which would save the seals from destruction while the negotiations were in progress.

You have been misinformed as to the duration of coming congress and it will continue beyond the fourth of March next without constitutional limitation. But it could hardly be anticipated that the subjects which you desire to have considered would be adjusted by treaty stipulations and the necessary resulting legislation enacted, with the despatch indicated in your letter, even with the most friendly spirit of conciliation. The variety of questions to be considered and the interests to be consulted would compel deliberation in the negotiations and might create discussion before legislation could be secured.

I have explained at some length the reasons which control the President in adhering to the position which, under his instructions, I assumed during our informal conference because of my earnest wish to have you understand that we are greatly desirous of bringing about a better understanding with your government. I am extremely sorry and greatly disappointed that your visit to Washington gives so little promise of satisfactory results, but I entertain the hope that it may yet bear good fruits.

I remain, etc.,

Yours very truly,

JOHN W. FOSTER.

DIPLOMATIC CORRESPONDENCE.

During the year, considerable diplomatic correspondence occurred between Her Majesty's government and that of the United States, the two most important communications being that from the United States Secretary of State Sherman to the Ambassador at the Court of St. James, dated 10th May, and the reply thereto from the Foreign Office to the Colonial Office, dated 26th July, 1897.

These communications appear in the Papers presented to the Imperial Houses of Parliament in September, 1897, United States, No. 4, 1897 (C. 8662), and for convenience and general information are here reproduced:—

Mr. Sherman to Mr. Hay.—(Communicated by Mr. Hay, May 22.)

DEPARTMENT OF STATE, WASHINGTON, May 10, 1897.

SIR,—The British Ambassador called upon me on the 3rd instant and handed me a copy of a despatch to him from Her Majesty's Principal Secretary of State for Foreign Affairs, bearing date the 21st ultimo. This despatch constitutes the reply of the British Government to the proposals of

the President, as presented in the note of your Embassy of the 10th ultimo, for a *modus vivendi* for the suspension of all killing of seals for the present season, and for a joint Conference of the Powers concerned with a view to the necessary measures being adopted for the preservation of the fur-seal in the North Pacific. It will be seen that both proposals are rejected.

I need hardly say that the President is greatly disappointed at this action, especially when it is based upon such unsubstantial and inadequate reasons. The President's concern, in view of the depleted condition of the seal herd, was occasioned not alone from an examination of Dr. Jordan's Report of 1896 and what he had reason to suppose were the conclusions of Professor Thompson, but it was based upon a series of observations and statistics covering a much longer period than that treated by those gentlemen, establishing a state of facts beyond refutation, and which is in part set forth in my note to the British Ambassador of the same date as my cablegram to you. It is therefore quite surprising that Her Majesty's Secretary should base his rejection of the proposals of this Government, so imprudently presented, upon the Report of one scientist whose facts and conclusions are incorrectly apprehended and the delayed Report of another, which is for the first time made public concurrently with the receipt of his Lordship's note.

It would have been gratifying to me and useful to my Government, in studying the important subject under consideration, if Professor Thompson's Report could have been made public with the promptness which marked the appearance of that of Dr. Jordan. In that case there would have been ample time for both Governments to have examined the Reports of these two eminent scientists before the opening of another sealing season. But it seems to have better suited the purposes of Her Majesty's Government to withhold Professor Thompson's Report until an opportunity was afforded to examine that of Dr. Jordan, and thus enable the former to pass the latter in review, criticize its statements, and as far as possible minimize its conclusions. It is not pleasant to have to state that the impartial character which it has been the custom to attribute to the reports of naturalists of high standing has been greatly impaired by the apparent subjection of this Report to the political exigencies of the situation. It is further to be regretted that the Report was so long delayed that no opportunity was afforded this Government to examine it before the definite and final rejection of the President's proposals, based mainly upon its conclusions, was communicated to me. This conduct recalls the incident which preceded the Arbitration at Paris, and which came near rendering that Arbitration abortive, when a similar Report of a British Commission was withheld until after the Case of each Government was exchanged and the Report of the American Commission made public.

Lord Salisbury asserts that Dr. Jordan's Report does not contain any facts warranting the statement that there is a "depleted condition and prospective early extinction of the herd." The note of your Embassy of the 10th ultimo does not attribute such a statement to Dr. Jordan, but it is difficult to understand how any one can read his Report without reaching the conclusion that such is the real condition of the herd. On p. 18 he says: "From this time (1886) on the decline has been more rapid and has been continuous." On p. 21 he clearly recognizes diminution, as evidenced by photographs, as also by decrease of harems. On p. 66 he uses this expression: "As the herd is steadily diminishing the spring or north-west catch is becoming relatively unimportant." Other citations might be made, but it would seem unnecessary in view of his declarations, often repeated in his Report, respecting pelagic sealing, from which I give only one extract (p. 29): "Pelagic sealing, in the judgment of the members of the present Commission, has been the sole cause of the continued decline of the fur-seal herds. It is at present the sole obstacle to their restoration, and the sole limit of their indefinite increase. It is therefore evident that no settlement of the fur-seal question as regards either the American or Russian islands can be permanent unless it shall provide for the cessation of the indiscriminate killing of fur-seals, both on the sealing grounds and on their migrations. There can be no 'open season' for the killing of females if the herd is to be kept intact."

Professor Thompson's Report is plainly written with a view to minimize as far as possible the depleted condition of the herd on the Pribyloff Islands, and requires a critical examination not possible within the limits of the present instruction, but its general purport may be briefly stated. It is to be regretted that he should have contracted his study far within the purview of his instructions. In the outset of his Report he says: "The main object of my mission was the collection of information and statistics with regard to the working and effectiveness of the Regulations" of the Paris Tribunal. But we look in vain in his Report for any discussion of that all-important subject. He confined his inquiry and Report to the subordinate subject of the number of seals resorting to the islands, and particularly to the relative numbers in 1895 and 1896. The result of his observations and inquiry seemed to be that on some rookeries there was an increase and on others a decrease, but on the whole a possible state of equilibrium for the past two years, although he concedes a diminution as compared with 1892. If all the Professor claims is admitted, it does not militate against the contention that since pelagic sealing became general the decline of the herd has been steady and rapid. The apparent equilibrium noted in his Report is well explained by Dr. Jordan when he says (p. 18): "There is evidence that the *modus vivendi* of 1892-93, by which Behring Sea was closed to the sealing fleet, has produced for 1895 and 1896 a slight check of the diminution. The reason for this is that, in addition to the saving of mothers, no pups were starved to death in 1892 and 1893, and those which might have been starved have returned as breeders or as killable seals in 1895 and 1896." Since the receipt of Lord Salisbury's despatch explicit inquiry has been made of Dr. Jordan as to the relative condition of the herd in 1895 and 1896 and in previous years, and he has furnished the chapter on the "Decline of the Herd" from the forthcoming Final Report of himself and associates, from which the following extract is taken: "While the amount of the decline cannot be stated with mathematical exactness, it is possible from the data at hand to make an approximate estimate. From a careful study of all the conditions, in our opinion the fur-seal herd of the Pribyloff Islands

has decreased to about one-fifth its size in 1872-74; to somewhat less than one-half its size in 1890, and that between the seasons of 1895 and 1896 there has been a decrease of about 10 per cent."

Although Professor Thompson has been very careful throughout the Report to say nothing likely to embarrass his Government, in the "conclusions" the voice of the true scientific investigator speaks in firm and certain tones. While he regards "the alarming statements..... of the herd's immense decrease" as overdrawn, he says "there is still abundant need for care and for prudent measures of conservation in the interest of all..... It is not difficult to believe that the margin of safety is a narrow one, if it be not already in some measure overstepped. We may hope for a perpetuation of the present numbers, we cannot count upon an increase. And it is my earnest hope that a recognition of mutual interests and a regard for the common advantage may suggest measures of prudence which shall keep the pursuit and slaughter of the animal within due and definite bounds." In view of such explicit language it is not easy to understand how Lord Salisbury can reconcile his refusal to entertain the proposals of the President with the interests of his own countrymen, to say nothing of the friendly relations which he desires to maintain with the United States, Russia, and Japan.

The experience had with the scientific Commissions of 1892, as well as the Reports of 1896 just under review, shows that it is difficult through them to reach a harmony of views; but we have at hand certain statistics of undisputed authority pointing unmistakably to conclusions which should be controlling.

The operations of the pelagic fleet in Behring Sea since the Paris Regulations have been in force are as follows:—

1894—37 vessels, 31,585 seals taken, or an average of 853 per vessel.

1895—59 vessels, 44,169 seals taken, or an average of 748 per vessel.

1896—67 vessels, 29,500 seals taken, or an average of 440 per vessel.

It thus appears that nearly double the number of vessels in 1896 were not able to take as many seals as were taken in 1894, and the catch per vessel fell off nearly one-half. Lord Salisbury attributes this large falling-off in Behring Sea "to the stormy weather prevailing," but does not cite his authority. I am not aware of any published report to that effect. Captain Hooper, who commanded the American cruising fleet in Behring Sea in 1895 and 1896, reports: "The weather in Behring Sea was not materially different in the past two years. Conditions admitted of boarding operations by the fleet twenty-five days in 1895 and twenty-four days in 1896." An examination and comparison of the logs of sealing-vessels for 1895 and 1896 confirm Captain Hooper's report. The above figures, with the statistics contained in my note of the 9th ultimo to the British Ambassador, make it very clear that the seal herd is becoming rapidly depleted, and that "the margin of safety," as Professor Thompson expresses it, has been "already overstepped." It is to be inferred that "the margin of safety" is intended to signify the point at which pelagic sealing ceases to be profitable. He cannot have had in mind biological extermination, for that point could not have been reached so long as a single bull and harem existed. The point when sealing ceased to be profitable seems to have been reached during last year. A Table appended to his Report shows that the total product of the pelagic catch of 1896 in the London market was about half the amount of that of 1895, and Lord Salisbury informs us that this result has "brought many owners of the sealing-vessels to the verge of bankruptcy." It thus appears that the condition of things predicted by the Government of the United States, as quoted below, has already come to pass—the commercial extermination of the seals. If pelagic sealing continues to be tolerated a limited number of vessels will carry on the indiscriminate slaughter, in the hope, by a favourable cruise, of recouping the losses of the previous year, and the rookeries on the islands will be still further depleted. But the biological existence of the fur-seal may still be continued, and Her Majesty's Ambassador may repeat the declaration, so often made during the past two years, that there is "no reason to fear that the seal herd is threatened with early extermination."

In this connection it may not be unprofitable to recall the action of the two Governments respecting the efforts made to revise the Regulations adopted at Paris. The expressed object of the Paris Arbitration was "the preservation of the fur-seals," and the Regulations adopted by the Tribunal were framed with a view to "the proper protection and preservation of the fur-seal..... resorting to Behring Sea." On the 23rd January, 1895, Secretary Gresham addressed a note to the British Ambassador, stating that the first year's experience had "convinced the President that the Regulations enacted by the Paris Tribunal have not operated to protect the seal herd from the destruction which they were designed to prevent," and he asked that a Commission of scientists and experts be appointed by the Governments of the United States, Great Britain, Russia, and Japan to report upon the proper measures to be adopted, and pending the deliberations of the Governments a *modus vivendi* be agreed upon suspending sealing in Behring Sea. Nearly four months elapsed without an answer from the British Government, when, on the 14th (? 10) May, 1895, a second note was sent, reiterating the President's solicitude, urging a reply, and predicting that unless some further restrictions were adopted the seals would "be exterminated for all commercial purposes within a very few years." On the 27th May, the British answer was received, in which it was complacently stated "that the condition of affairs is not of so urgent a character as the President has been led to believe," and that there was no "such urgent danger of total extinction of the seals as to call for a departure from the arbitral Award by which the two nations have solemnly bound themselves to abide."

Secretary Olney, 24th June, 1895, by direction of the President, renewed the proposition in different terms, but the British Government repeated its declination to make "any extension of the Regulations solemnly laid down by an International Board of Arbitration."

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After a second year's experience of the Regulations, Secretary Olney, 11th March, 1896, called the attention of the British Ambassador to the catch of 1895 in Behring Sea (the largest ever made in that sea), and expressed the hope that the British Government would realize "the absolute necessity of consenting for the coming season to some further Regulation to the end that the valuable herd be saved from total extinction." On the 27th April, Sir Julian Pauncefote replied that Her Majesty's Government saw no reason to believe the catch in Behring Sea was "so large as to threaten early extermination," and that there was no "necessity for the immediate imposition of increased restrictions."

This correspondence is recalled to show that, from the first year the Paris Regulations were put in force, each succeeding President and Secretary of State has been firmly convinced that they were inadequate for the purpose for which they were adopted, and that the British Government has just as firmly resisted all overtures for even a conference of the Governments concerned for the purpose of considering whether further Regulations were required to protect the seals, and has rested its refusal upon "the Arbitral Award by which the two nations have solemnly bound themselves to abide."

In view of this attitude of the British Government, I deem it opportune to make an examination (even at the risk of being somewhat tedious) into the manner in which it has responded to the action of the Paris Tribunal, and to what extent and in what spirit it has observed the decision and recommendations of that Tribunal.

A perusal of the Protocols of that Tribunal will show that the preparation of the Regulations was intrusted to three Arbitrators nominated by the neutral Governments, and when their unanimous Report was presented it was provided in Article II that the Regulations should be applied to all the waters of the Pacific Ocean and Behring Sea north of the 35th degree of north latitude, thereby including all the waters east of Japanese and Russian territory. Lord Hannen, the British Arbitrator, objected to this provision, and moved an amendment limiting the area to all that part of the ocean and sea east of the 180th meridian. Baron Councel, President of the Tribunal, stated on behalf the neutral Arbitrators that, in framing Article II, "they had acted out of regard for Russia and Japan, Powers not represented before the Tribunal of Arbitration, and towards the waters of whom it appeared not equitable to drive back the English and American pelagic sealers during the whole time of the close season." But he acquiesced in Lord Hannen's amendment, and it was adopted. (Protocol LIV.) It is plain from the proceedings that the Tribunal regarded the extension of the Regulations to the Asiatic waters as a matter of justice to Russia and Japan, and they would have been so extended if those Powers had been parties to the Arbitration.

When, in accordance with Article VII of the Treaty of 1892, the Russian and Japanese Governments were approached with a view to securing their adhesion to the Regulations, they both replied they could only do so on their extension to the Asiatic waters. Secretary Gresham reports that as early as October, 1893, he verbally brought this attitude of the subject to the attention of the British Ambassador, who recognized the force of the position assumed, and said the situation seemed to suggest the propriety of a Treaty between the four Powers "for the preservation, for their common benefit, of the fur-seals between the two continents and north of the 35th degree of north latitude."

Mr. Bayard was instructed, 27th October and 20th November, 1893, to seek to bring about such an arrangement or Treaty; 23rd January, 1894, Mr. Gresham brought the subject to the attention of the British Ambassador, and on the 2nd May, no answer being received, the proposition was again urged. Secretary Olney brought the subject again to the attention of the British Government in a note dated the 24th June, 1895, the proposition being presented in a new form; and on the 19th August a general negative reply was made to Mr. Olney's note.

Under date of the 2nd April, 1896, Secretary Olney informed Mr. Bayard that the Russian Government was about to initiate negotiations at London for the extension of the Paris Regulations over the Asiatic waters, and at the request of the Government Mr. Bayard was instructed to co-operate in such negotiations. Mr. Bayard at once put himself in communication with the Russian Ambassador, but on the 14th May he was informed by Lord Salisbury that Her Majesty's Government had decided to dispatch a naturalist to the Russian seal islands, and that, pending the receipt of his Report, his Government would not enter upon negotiations. The British Naturalist returned to London in October, 1896, but up to this date, His Lordship has given no indications of a desire or intention to upon the negotiations. In fact, the despatch to which I now reply rejects the proposition of the President for a similar Conference or negotiation. The effect of Lord Hannen's amendment of Article II of the Regulations has been to bring about the state of affairs which the neutral Arbitrators desired to avoid—to wit, to transfer the sealing-vessels to the Asiatic waters during the closed season in the American waters, which they expected would be prevented by negotiations between the interested Governments. Such negotiations Great Britain has steadily omitted and declined to enter upon.

Again, the Arbitrators appended to their decision or Award a series of declarations, not binding upon the contracting Governments, but which were recommended for their adoption. The American Arbitrators at once accepted the declarations, but Lord Hannen hesitated to accept the second paragraph, which is as follows:—

"In view of the critical condition to which it appears certain that the race of fur-seals is now reduced in consequence of circumstances not fully known, the Arbitrators think fit to recommend both Governments to come to an understanding in order to prohibit any killing of fur-seals, either on land or sea, for a period of two or three years, or at least one year, subject to such exceptions as the two Governments might think proper to admit of.

"Such a measure might be resorted to at occasional intervals if found beneficial."

Lord Hannen declared that, "although approving the spirit in which it (the second para is conceived, and although regarding as very desirable that the destruction of the fur-seals might be entirely suspended during a certain period of time, so as to enable nature to retrieve the losses which this race of animals has undergone, he does not feel authorized by the terms of his mandate to express an opinion on the subject;" and the Canadian Arbitrator concurred with his British colleague. (Protocol LIV).

Immediately after the receipt of the official copy of the Award and declarations, the 12th September, 1893, Secretary Gresham cabled instructions to Mr. Bayard to ask the concurrence of Great Britain in the enforcement of the second declaration. Mr. Bayard reported, the 13th September, that he had made known his instructions to the British Government. No answer having been received on this point, Secretary Gresham repeated the offer to Sir Julian Pauncefote, the 24th January, 1894. I do not find that response to this proposition was ever made. The wisdom of the recommendation is abundantly proved by the experience of the past three years, and it strongly supports the repeated applications which have been made by the Government of the United States for a *modus* suspending all killing of the seals until a Conference could be had to readjust the Paris Regulations.

The indifference with which the British Government treated the repeated appeals of this Government for prompt action towards the adoption of measures to enforce the Regulations "solemnly laid down by an International Board of Arbitration," illustrates the measure of respect entertained for that august Tribunal. On the 12th September, 1893, within a month after the Award had been rendered, Secretary Gresham instructed Mr. Bayard by cable (cited above) to inform the British Government of the desire of the Government of the United States to take up without delay the subject of the enforcement of the Regulations, so as to make them effective before the next sealing season. This notice was given to the British Foreign Office on the 13th September, more than three months before the opening of the sealing season. No progress having been made, the 17th November, Secretary Gresham cabled Mr. Bayard that the President was anxious that an agreement of this subject should speedily be reached. On the 4th December, Secretary Gresham consented, at the desire of the British Government, that the negotiations might be transferred to Washington, but he gave notice to Lord Rosebery that "the rapidly shortening interval before the next season will commence admonishes both Governments to expedite the negotiations." On the 24th January, 1894, the Secretary addressed an urgent note to the British Ambassador, complaining that nothing had yet been accomplished, and the time lost had brought them "to the opening of another sealing season without any definite steps having been taken for the execution of the Paris Award." A month later, the 22nd February, the Secretary cabled Mr. Bayard that, in answer to his repeated inquiries, the British Ambassador informed him he was still without instructions, and he was directed to say "this long delay is difficult to understand, and it is the President's desire that you represent the matter impressively to Her Majesty's Government. On the 17th March Secretary Gresham sent another urgent cablegram to Mr. Bayard, complaining of still further delay, for which "this Government is not responsible," and which was threatening to "become embarrassing for both Governments." The negotiations were not entered upon until six months after they were invited by the United States; the British Act (the 23rd April, 1894) to enforce the Regulations was not passed until four months after the sealing season had opened, and the final Order in Council (the 27th June, 1894) on the subject was not issued until six months after the sealing fleet had put to sea in disregard of the Award of the Tribunal.

The manner in which the British Government has discharged its police duties under the Award is in marked contrast with its appeal for a strict observance of the five years period of the Regulations. An equal obligation rests upon each Government to patrol the waters embraced in the Award area, in order to see that the Regulations are not violated by the sealing-vessels. In 1894, the Government of the United States furnished twelve vessels for the patrolling fleet at great expense, and only one vessel was furnished by the British Government. In 1895, five United States vessels patrolled the Award area and only two British vessels, one for a short time only in Behring Sea, and the other took no part whatever in the patrol, as its presence was almost constantly required in Unalaska Harbour to take over the British sealing-vessels seized in Behring Sea. Owing to the repeated complaints of the Government of the United States as to the inadequacy of the British patrol, an additional cruiser was ordered into Behring Sea during the season of 1896, although it was stated by the British Government that, "so far as they have been able to judge, the force employed up to the present time has been sufficient." As it is shown that practically no patrol service had been rendered in Behring Sea by the British cruisers during the previous year, the inference from this language would seem to be that Her Majesty's Government understood that the American cruisers only were to perform the patrol duty, and the British cruisers to take over and act upon the validity of seizure of British vessels.

The detailed enforcement of the Regulations has further developed on the part of the British Government a strange misconception of the true spirit and intent of the Arbitrators. Under Article 6 of the Regulations the use of fire-arms in Behring Sea was prohibited, and to enforce that prohibition it was agreed between the two Governments for the year 1894 that sealing-vessels might have their arms and ammunition placed under seal. But on the 11th May, 1895, although this Government had every reason to believe from the Order in Council that the British Government had given its concurrence to the arrangement, the British Ambassador gave notice that his Government would not renew the arrangement as to the sealing of arms for the coming season, and defended its action on the ground that the possession of arms, &c., by a sealing-vessel was "not forbidden by the Award Regulations."

This tardy action of the British Government in refusing to renew the arrangement of 1894 led to much trouble and inconvenience in connection with the patrol of Behring Sea. The British Government made grievous complaint against the severe measures of search resorted to by the American cruisers, which gave rise to a lengthy correspondence. On the 2nd July, 1896, Secretary Olney submitted a proposition to put an end to the controversy by an examination of vessels entering Behring Sea, and an inspection by a Representative of the United States at British Columbian ports of all skins taken in Behring Sea, to discover whether or not fire-arms were used; but this proposition was not accepted. A further attempt was made by Secretary Olney to procure some agreement for the season of 1897, when it was urged that American vessels frequenting Behring Sea were required to have their arms sealed, and on returning to their home ports their skins were carefully inspected, while Her Majesty's Government refuses to enforce the provision as to arms, and declines the inspection of skins—measures which this Government regards as "absolutely essential for preventing the unlawful destruction of the seals." Nevertheless, another season has been entered upon without any settlement of this vexed question.

In this connection, I recall the serious defect pointed out in the correspondence, in the British Act for the enforcement of the Regulations. Under the British Act passed to carry out the *modus vivendi* of 1891, whereby all killing of seals was prohibited in Behring Sea, it was provided that the presumption of guilt would lie against the vessel "having on board fishing or shooting implements or seal skins." A provision of a kindred nature was inserted in the British Act for the enforcement of the Russian *modus* of 1893. The Act of Congress of 1894 to enforce the Regulations of the Paris Award contained a similar provision; but the British Act of 1894 for the same purpose contained no provision whatever as to presumptive guilt respecting the possession of fire-arms or skins at forbidden times or in forbidden waters. And to emphasize its purpose in the matter, when the British Act to enforce the Russian agreement was re-enacted in 1895, the provisions of the Act of 1893 as to presumptive illegality was omitted. This action of the British Government was made the subject of an earnest protest on the part of my predecessor, but to no purpose. The practical effect is to make it impossible in many cases to convict British sealing-vessels, although there may be the strongest presumptive evidence of guilt, evidence which, under the Act of Congress, would in most cases procure the conviction of an American sealing-vessel.

I shall only cite one further instance of the failure and refusal of the British Government to give full effect to the Paris Regulations. Article 5 provided that the vessels engaged in sealing should enter daily in their official log-books the number and sex of the seals taken and that these entries should be communicated by each Government to the other at the end of each season. This Regulation was prescribed in order to procure reliable statistics as to the proportion of female seals killed, but it was found to be unsatisfactory and imperfect in its practical operation. The catch of American vessels was subjected to an official inspection at the home port, and it was found that they reported a much greater proportion of females seals taken than the British sealers. Although in many instances the British sealers were close to the American sealers, yet the American sealers reported from two to five times as many females as males, a result entirely at variance with the British returns. This state of facts led the Acting Secretary of State, the 10th May, 1895, to request of the British Government their consent to the stationing of United States inspectors at British Columbian ports for the purpose of verifying the log entries of British sealing-vessels, with the offer of a reciprocal privilege in American ports to British inspectors. No answer having been received, on the 13th September, and again on the 18th September, the request made in the previous May was renewed. On the 24th of September the British Ambassador replied that the request for inspectors was not acceptable to Her Majesty's Government, "on the ground that the matter is already provided for by the Award Regulations, the sealers bring bound themselves to keep a record of sex."

The measure was regarded by this Government as so important that on the 15th December, 1896, Secretary Olney recalled it to the attention of the British Ambassador, in connection with the sealing of arms. The answer of the British Government to this second application was that "the compulsory examination by experts of skins on landing at British ports would require legislation in Canada," and that the views of the Canadian Government would have to be ascertained. In answer to the inquiry of Secretary Olney on the 23rd January, 1897, as to when the Canadian Government was likely to take action, the Ambassador replied on the 24th March, but Her Majesty's Government were "still in correspondence with the Canadian Government" and that a further communication would be made as soon as possible. No further communication has been made.

I regret that this statement has become so lengthy, but in view of the fact that the British Government, when pressed for a remedy to well-established defects in the Regulations or the Acts and Rules agreed upon for their enforcement, has appealed to "the Arbitral Award which the two nations have solemnly bound themselves to abide." I have felt the present occasion opportune to make a review of the events which have transpired since that Award was rendered, and to challenge a comparison of the conduct of the two Governments with regard to the final action of the International Tribunal of Arbitration. In no respect has the United States Government failed to observe the exact terms of the Award or to accept its recommendations in their true spirit and full effect, even though the have entailed heavy expense and caused great damage to long-established interests of this nation.

On the other hand, I think I have shown that the British Government has from the beginning and continuously failed to respect the real intent and spirit of the Tribunal or the obligations imposed by it. This is shown by the refusal to extend the Regulations to the Asiatic waters; by the failure to put in operation the recommendations for a suspension of the killing of the seals for three, for two, or even for one year; by the neglect to put the Regulations in force until long after the first sealing had been entered on; by the almost total evasion of the patrol duty; by the opposition to

suitable measures for the enforcement of the prohibition against fire-arms; by the omission to enact legislation necessary to secure conviction of the guilty; and by the refusal to allow or provide for an inspection of skins in the interest of an honest observance of the Regulations.

The obligations of an international Award, which are equally imposed on both parties to its terms, cannot properly be assumed or laid aside by one of the parties only at its pleasure. Such an Award which in its practical operation is binding only on one party in its obligations and burdens, and to be enjoyed mainly by the other party in its benefits, is an Award which, in the interest of public morality and good conscience, should not be maintained. Having in view the expressed object of the Arbitration at Paris and the declared purpose of the Arbitrators in prescribing the Regulations, when it became apparent, as it did after the first year's operation of them and with increased emphasis each succeeding year, that the Regulations were inadequate for the purpose, it was the plain duty of the British Government to acquiesce in the request of that of the United States for a Conference to determine what further measures were necessary to secure the end had in view by the Arbitration.

A course so persistently followed for the past three years has practically accomplished the commercial extermination of the fur-seals and brought to nought the patient labours and well-meant conclusions of the Tribunal of Arbitration. Upon Great Britain must therefore rest, in the public conscience of mankind, the responsibility for the embarrassment in the relations of the two nations which must result from such conduct. One of the evil results is already indicated in the growing conviction of our people that the refusal of the British Government to carry out the recommendations of that Tribunal will needlessly sacrifice an important interest of the United States. This is shown by the proposition seriously made in Congress to abandon negotiations and destroy the seals on the islands, as the speedy end to a dangerous controversy, although such a measure has not been entertained by this Department. We have felt assured that as it has been demonstrated that the practice to pelagic sealing, if continued, will not only bring itself to an end, but will work the destruction of a great interest of a friendly nation, Her Majesty's Government would desist from an act so suicidal and so unneighbourly, and which certainly could not command the approval of its own people.

The President therefore cherishes the hope that, even at this late day, the British Government may yet yield to his continued desire, so often expressed, for a Conference of the interested Powers; and, in delivering to Lord Salisbury a copy of this instruction, you will state to him that the President will hail with great satisfaction any indication on the part of Her Majesty's Government of a disposition to agree upon such a Conference.

Respectfully yours,

(Signed.) JOHN SHERMAN.

Colonial Office to Foreign Office.—(Received July 26.)

DOWNING STREET, JULY 26, 1897.

SIR,—I am directed by Mr. Secretary Chamberlain to acquaint you, for the information of the Marquess of Salisbury, that he has had under his consideration the despatch from Mr. Secretary Sherman to Mr. Hay respecting the seal fishery.

After an expression of disappointment and surprise at Her Majesty's Government having rejected the proposals made by the Government of the United States, Mr. Sherman proceeds to comment on the delay which occurred in the publication of Professor D'Arcy Thompson's Report. He says (paragraph 3):

"It would have been gratifying to me and useful to my Government, in studying the important subject under consideration, if Professor Thompson's Report could have been made public with the promptness which marked the appearance of that of Dr. Jordan. In that case there would have been ample time for both Governments to have examined the Reports of these two eminent scientists before the opening of another sealing season. But it seems to have better suited the purposes of Her Majesty's Government to withhold Professor Thompson's Report until an opportunity was afforded to examine that of Dr. Jordan, and thus enable the former to pass the latter in review, criticize its statements, and as far as possible minimize its conclusions. It is not pleasant to have to state that the impartial character which it has been the custom to attribute to the reports of naturalists of high standing has been greatly impaired by the apparent subjection of this Report to the political exigencies of the situation. It is further to be regretted that the Report was so long delayed that no opportunity was afforded this Government to examine it before the definite and final rejection of the President's proposals, based mainly upon its conclusions, was communicated to me. This conduct recalls the incident which preceded the arbitration at Paris, and which came near rendering the arbitration abortive, when a similar Report of a British Commission was withheld until after the case of each Government was exchanged and the Report of the American Commission made public."

Again (paragraph 5):—

"Professor Thompson's Report is plainly written with a view to minimize as far as possible the depleted condition of the herd on the Pribiloff Islands;" and (paragraph 6) "although Professor Thompson has been very careful throughout the Report to say nothing likely to embarrass his Government."

The reasons for the delay in the preparation and publication of Professor Thompson's Report were given in Lord Salisbury's despatch to Sir J. Pauncefoot of the 7th May. Those explanations cannot, however, have been before Mr. Sherman when he permitted the insertion of the above-quoted

statements in his despatch, and Mr. Chamberlain would not refer to this point, although so prominently put forward, if he did not feel it necessary for the vindication of Professor Thompson's high character and reputation to declare that the allegations made against him are totally unfounded, and therefore equally unjustifiable. Turning to the practical issues raised in Mr. Sherman's despatch, I am to point out that he is mistaken in assuming that Her Majesty's Government attributed to Dr. Jordan the statement that there is a "depleted condition and prospective early extinction of the herd." The words in question were used in Mr. Sherman's note to which Her Majesty's Government were replying, and they must adhere to their opinion that the statement is not warranted by any facts contained in the Report.

The passages cited from that paper are merely expressions of opinion, and the grounds upon which such opinions are based are not set forth in the report, and the passage on p. 21, where it is asserted, "he clearly recognizes diminution, as evidenced by photographs, as also by decrease of harems," must be read with his statement that "there is no assurance that photographs taken the same date on successive years show the same or relative conditions, as the arrival of the seals, and doubtless their movements on the rookeries, are affected by the state of the weather and the advancement of the season."

The statement quoted from Dr. Jordan's final report with which Her Majesty's Government have not yet been furnished, is interesting. It says:—

"From a careful study of all the conditions, in our opinion the fur-seal herd on the Pribyloff Islands has decreased to about one-fifth of its size in 1872-74, to somewhat less than half its size in 1890, and that between the seasons of 1895 and 1896 there has been a decrease of about 10 per cent."

On p. 22 of his preliminary report, Dr. Jordan estimates the seal-herd in 1896 as consisting of "143,071 breeding females, or a total number of about 440,000 of seals of all grades," and he adds, "there may have been, in 1896, 155,000 breeding seals, or a total of 475,000." Dr. Jordan's matured reflections therefore, on the comparative state of the herd, have apparently led him to consider that the loss during the period 1895-96 was not $7\frac{1}{2}$ per cent. as he thought in November last, but "about 10 per cent."

In the passage referred to on p. 22, he only carries his comparison back to 1880, when he estimates the herd at "600,000 breeding females, 1,500,000 of all grades," but he has now apparently carried his comparison further back, and estimates that in 1872-74 the herd was about five times its present size. This would mean that at that period the herd numbered 700,000 breeding females, and 2,200,000 seals of all grades collectively, and Her Majesty's Government will await with interest his explanation of the disappearance of 100,000 breeding females and 700,000 seals of all grades in the period between 1872-74 and 1880, when pelagic sealing had not yet begun. Mr. Chamberlain is not aware that it has ever previously been admitted that there was a decrease in the herd between 1872-74 and 1880, and apparently Dr. Jordan himself was not aware of it when he wrote his preliminary Report, as on p. 17 of that paper, he states that "until 1872, and perhaps a few years after, the herd continued to increase. During the period 1872 to 1878, it doubtless remained practically in a state of equilibrium under the various checks acting upon it, of which the trampling of pups was the chief. The North-west catch, which remained stationary at about 5,000 during those years, being another element of check." Whether the earlier or later views of Dr. Jordan are to be taken as expressing his final opinion, the discrepancy shows the difficulty attending the discussion of the question in consequence of the absence of any really trustworthy data on which comparisons of the size of the herd at different periods can be based, and justifies the action of Her Majesty's Government in refusing to be drawn into a discussion of the question until further information has been acquired.

Mr. Sherman again refers to the falling-off in the pelagic catch last year in Behring Sea in support of the contention that the herd has declined, and cites the figures of the catch for 1894, 1895, and 1896, from which it would appear that the catch per vessel in 1896, had fallen off nearly one-half as compared with 1894.

The catch of 1894 was altogether exceptional, as will be seen from the Table printed at p. 198 of the Report of the Secretary of the United States Treasury for 1895, and exceeded that of any previous year, as well as that of the subsequent years, and the extraordinary variations in the catch from year to year which characterize the industry, render it impossible to deduce from the average catch per vessel in any year any safe conclusion as to the state of the herd.

Mr. Sherman questions the assertion that the falling-off in last season's catch was partly due to stormy weather, and cites Captain Hooper's statement that boarding operations were possible during twenty-four days in 1896, as compared with twenty-five in 1895, a statement which Her Majesty's Government have no reason to doubt, though it does not follow that sealing operations in canoes are practicable whenever boarding is practicable, still less that the weather is favourable for sealing, and as Lord Salisbury is aware, Admiral Palliser, in his Report on the season, described the weather as "exceptionally bad." It is unnecessary to elaborate this point further than to add that Her Majesty's Government might equally well maintain from a comparison of the results of the North-west coast catch in 1895 and 1896, that seals were more numerous in the latter year.

The number of seals is limited, and it is impossible, therefore, that the catch per vessel should remain the same while the number of vessels engaging in it has almost doubled. The presence of a greater number of vessels must necessarily interfere to some extent with each other's operations, and moreover the constant patrolling of the limited area of the fishery by steam-vessels must tend to disturb the seals and diminish the catch, which in Behring Sea is made almost entirely from sleeping seals, even if the constantly repeated boarding to which the British vessels have been subjected had

not constituted a material hindrance to the operations of the sealing fleet. The extent to which British sealing-vessels have been unnecessarily harassed by the United States patrol-vessels during 1895 and 1896 may be judged from the fact that in 1894, when the British sealing fleet numbered only twenty-two vessels, thirty-six boarding operations were performed, an average of one and a-half per vessel, while in 1895, when a fleet of forty British vessels was engaged, the number of boardings rose to 183, an average of four and a-half per vessel, and in 1896 the British fleet of fifty-seven vessels was subjected in Behring Sea alone to 171 boardings by the United States patrol, an average of three times per vessel. It is interesting to note that in 1895 seventy-six United States' vessels were subjected to only 156 boarding operations. If it is borne in mind that at each boarding operation by United States vessels the whole catch is pulled out of the salt in which it is packed, and each skin carefully examined, and then left to be resalted and repacked by the crew of the sealing-vessel, some idea may be formed of the extent to which the operations of the sealing fleet are subjected to active obstruction, in addition to the loss caused through the effect of the constant movements of the steam patrol-vessels in searing the seals. In addition, most of the vessels were boarded one or more times by Her Majesty's ships. It is necessary here to note that, in his efforts to prove the approaching commercial extermination of the fur-seal, Mr. Sherman has, unintentionally, no doubt, by quoting without reference to its context a passage from Lord Salisbury's despatch of the 21st April, placed upon it a construction which is not borne out by its language.

He says:—

"A Table appended to his Report shows that the total product of the pelagic catch of 1896 in the London market was about half the amount of that of 1895, and Lord Salisbury informs us that this result has 'brought many owners of the sealing-vessels to the verge of bankruptcy.'"

What Lord Salisbury did actually say was that "the small catch and low prices obtained for the skins last year brought many of the owners of the sealing-vessels to the verge of bankruptcy."

It is perhaps unnecessary to dwell further on this part of Mr. Sherman's despatch, as it has been answered by anticipation in Lord Salisbury's despatch, of the 7th May, to which no reply has been received, but in view of the fact that Mr. Sherman speaks throughout as if pelagic sealing were the sole cause of the alleged depletion of the herd, it may be well to again call attention to the conclusion there drawn from Dr. Jordan's estimates of the herd at different periods, viz., that the decline of the herd was much more extensive before pelagic sealing became general than it has been since.

Mr. Chamberlain cannot pass without notice the attack upon Her Majesty's Government for declining to consider an immediate revision of the Fishery Regulations established by the Arbitration Tribunal at Paris in 1893, as this attack forms so considerable a portion of the despatch, that silence might be construed by the United States' Government as an admission that Mr. Sherman's observations cannot be answered.

The expressed object of the arbitration was "the preservation of the fur-seals," and the Regulations adopted were framed with a view to "proper protection and preservation of the fur-seal.... resorting to Behring Sea."

From a perusal of this despatch of the 10th May it might be inferred that the "proper protection and preservation of the fur-seal" is identical with the suppression of pelagic sealing, and this view is consistent with the attitude maintained by the United States' Government from the outset.

In support of their views the United States' Government have departed from the noblest traditions of their country which had earned universal honour by their efforts to vindicate the freedom of the high seas.

The nation which is now so zealous for prohibiting the killing of seals on the high seas was, in 1832, with equal zeal asserting a claim of right for its citizens not only to kill seals on the high seas, but to land and slaughter them on the shores of a friendly nation. The Power which now reproaches Her Majesty's Government with "unneighbourly" conduct because they decline to abolish an industry the lawfulness of which has never been questioned except by the United States, and has, only four years since, been vindicated by the highest international Tribunal, did not shrink in 1832, when the United States sealing-vessel "Harriet" had been seized for violating the territory of the Republic of Buenos Ayres in the pursuit of fur-seals, from landing an armed party at Soledad and carrying off the crew and cargo of the vessel, and from declaring that the seal fishery on those coasts was in future to be free to all Americans, and that the capture of any vessel of the United States would be regarded as an act of piracy.

The shores of the Pribyloff are to-day just as much uninhabited as were the shores of the Falkland Islands and Tierra del Fuego fifty years ago, but no British subject has ever claimed the right to land and kill seals there as the United States' citizens did on the South Atlantic under the protection of the guns of a United States' man-of-war.

British subjects, and Her Majesty's Government for them, have only claimed the right of every subject of a free State to exercise their undoubted right of fishery on the high seas; yet, while exercising that right, British subjects have been seized, fined, and imprisoned, in the face of the protests of Her Majesty's Government. And now, after Her Majesty's Government, in their desire for an amicable arrangement with the United States, had agreed to submit to arbitration their claim to exercise a right never before disputed, and to leave to the Tribunal to determine when that right had been vindicated, under what restrictions it should, in the interests of both countries, continue to be exercised, and after they have ever since scrupulously adhered to those restrictions, they find themselves, notwithstanding these concessions and sacrifices, accused of unneighbourly conduct.

When the Award was made it was welcomed in the United States because it was believed that the restrictions were sufficient to render pelagic sealing unprofitable, and that the interests of the lessees of the Pribyloff Islands would not under the new condition of affairs be materially or injuriously affected.

When it was discovered from the results of the first year's fishery that the Regulations, severely as they pressed on the British industry, were not sufficient to destroy it, the United States Government began to press Her Majesty's Government to agree to revise the Regulations. The same arguments as had just before been urged in vain upon the Tribunal were repeated. Pelagic sealing it was declared was suicidal, and the extermination of the fur-seal was imminent. Her Majesty's Government refused to agree to set aside an Award arrived at after the most careful deliberation by the Tribunal, merely because it was found that British subjects could, under the restrictions imposed by it still continue to prosecute their industry successfully.

The agitation and pressure were continued, and exaggerated statements as to the condition of the head were circulated, till, when Her Majesty's Government sent their Agents to inquire into the actual facts in 1896, it was found that, in spite of the large catch of 1895, the herd actually numbered more than twice as many cows* as it had been officially asserted to contain in 1895. The result of these investigations, as pointed out in Lord Salisbury's despatch of the 7th May, has further been to show that pelagic sealing is much less injurious than the practice pursued by the United States lessees of killing on land every male whose skin was worth taking. If the seal herd to-day is, as Professor Jordan estimates, but one-fifth of what it was in 1872-74, that result must be, in great measure, due to the fact that, while the islands were under the control of Russia that Power was satisfied with an average catch of 33,000 seals, subsequently under the United States control more than three times that number have been taken every year, until the catch was perforce reduced because that number of males could no longer be found.

Last year while the United States Government were pressing Her Majesty's Government to place further restrictions on pelagic sealing they found it possible to kill 30,000 seals on the islands, of which Professor Jordan says, p. 21, 22,000 were to the best of his information 3-year olds, though p. 17 he estimated the total number of 3-year old males on the islands as 15,000 to 20,000. If such exhaustive slaughter is continued it will, in the light of the past history of the herd, very quickly bring about that commercial extermination which has been declared in the United States to be imminent every year for the last twelve years.

Enough has perhaps been said to justify the refusal of Her Majesty's Government to enter on a precipitate revision of the Regulations, and if further justification were required it is to be found in the nature of the industry as carried on by British subjects, especially if compared with the proceedings of United States citizens.

A large amount of British capital has been invested in ships specially fitted for the seal fishery, which cannot readily be turned to other uses, and much skill has been acquired by those employed on the vessels which is useless for other purposes, and Her Majesty's Government would require very complete justification before they could assent to measures which would render a large proportion of this capital and labour unprofitable. The United States industry is carried on on land, no capital is required except a small sum annually for the maintenance of the few Indians on the islands, whose principal sustenance is, in fact, seal's flesh, and for bringing the skins to market. A partial or total cessation of sealing is therefore a light matter to the United States citizens as compared with its result to British subjects.

The sealing industry, moreover, as carried on by British subjects is at best a highly speculative one. If by good fortune seals are met with in abundance and the weather is suitable it may prove highly remunerative, provided prices are good. But when the weather is bad, and seals are timid and prices at last year are low, heavy losses are incurred. To add to these risks uncertainty as to the conditions under which the industry may be carried on would be equivalent to putting an end to it altogether. Mr. Sherman's strictures on the conduct of Her Majesty's Government should be read in the light of these facts.

In further support of his indictment of Her Majesty's Government Mr. Sherman proceeds to review "the manner in which it (the British Government) has responded to the action of the Paris Tribunal, and to what extent and in what spirit it has observed the decision and recommendations of that Tribunal."

This review contains some signal omissions and also some inaccuracies to which attention must be called. Mr. Sherman begins by recalling the fact that when the draft Regulations were submitted to the Tribunal they provided that the Regulations should apply to all the waters of the Pacific Ocean to the north of the thirty-fifth degree of north latitude and that the late Lord Hannen objected to this provision, and moved an amendment limiting the area to that part of the ocean and sea east of the 180th meridian, and he cites part of the words used by the President of the Tribunal in acquiescing in the amendment, but omits the concluding portion which was "Nevertheless, as far as he was concerned he did not desire to do anything which might be prejudicial to the position of Great Britain or of the United States, in the negotiation which the Governments of these two countries might engage ultimately with Russia and Japan." Mr. Sherman also omits to mention that the amendment was unanimously agreed to. Lord Hannen's views on this point therefore, were equally shared by his United States colleagues on the Board.

Mr. Sherman continues: "When, in accordance with article VII of the treaty of 1892, the Russian and Japanese Governments were approached with a view to securing their adhesion to the regulations, they both replied they could only do so on their extension to the Asiatic waters," and when Secretary Gresham verbally in October, 1893, brought this view of the subject to the attention of the British Ambassador, he recognized the force of the position, and said the situation seemed to suggest the propriety of a treaty between the four powers "for the preservation, for their common

* The number of cows, according to the official estimate of the 1895, was 70,423; the count in 1896 showed 143,071 cows.

benefit of the fur seals between the two continents, and north of the 35th degree of north latitude." As a matter of fact the identic note to the Maritime Powers inviting their adhesion to the regulations was not dispatched till the 20th August, 1894.

In a despatch of the 26th October, 1893, however, Sir J. Pauncefote records a conversation with Mr. Gresham, in which he reports:—

"He (Mr. Gresham) took the opportunity of mentioning that the Russian and Japanese Governments would probably, as a condition of their adhesion to the regulations prescribed by the Award, insist that the southern limit laid down in Article 2 of the Regulations, namely, the 35th degree of north latitude should be extended as far as the Japanese coast, so as to protect the Russian and Japanese rookeries. Mr. Gresham was of opinion that it would be difficult to resist this demand on equitable grounds, it being based on reciprocity. In reply to his inquiry, I said that the contention might seem plausible enough, but I did not know how it would be viewed by Her Majesty's government. I understand that Mr. Bayard has been instructed to confer with your Lordship thereon."

There is thus a discrepancy between Mr. Gresham's report, as quoted by Mr. Sherman of the language used at this interview by Sir J. Pauncefote, and Sir J. Pauncefote's own report of the same interview.

However, this may be, and whatever instructions may have been sent to Mr. Bayard as to the interests of Russia and Japan, he apparently did not consider that he was desired to bring the question before Her Majesty's Government for his official note of the 20th November made no allusion to the subject, and that note, with the exception of a verbal communication on the 20th September, 1893, expressing the desire of his Government for prompt action in procuring legislation to give effect to the Award, and in securing the adhesion of other powers was the first communication received from him on the question of the Award.

No note from Mr. Gresham of the 23rd January, 1894, on the subject of the seal fishery appears to be on record, and the note of the 24th January, to which possibly Mr. Sherman alludes, contains no allusion to the subject of the Japanese and Russian fisheries, nor does any communication appear to have been made to Her Majesty's Government on the 2nd May, 1894, in reference to this question. Mr. Sherman appears to have been misinformed as to what actually took place in regard to this matter.

On the 11th March, 1894, Mr. Gresham, in the course of a discussion on the subject of the legislation proposed by the respective Governments for enforcing the Award, threw out a suggestion for a convention between the four powers principally interested, namely: Great Britain, the United States, Russia, and Japan, to embrace a complete scheme of regulations applicable not only to the high seas, but also within the sovereignty of each Power, and he coupled this with a proposal that meantime the *modus vivendi* established during the arbitration, should be renewed and extended over the whole area of the award. Such a *modus vivendi* would have practically prevented any pelagic sealing on the eastern side of the Pacific, and would have driven the whole body of pelagic sealers to the western side, the Japanese and Russian fisheries which Mr. Sherman now believes the United States Government were anxious to protect. Her Majesty's government replied, five days later, on the 16th March, that they saw no objection to the proposed negotiation between the four Powers, and were willing to renew the *modus vivendi* on the same terms as before, but could not consent to its extension. As the United States insisted on the extension, the proposal dropped for the time.

It is possible that Mr. Sherman may have had in mind the proposals made by Mr. Gresham, on the 23rd January, 1895, to which he previously referred. To that date, after communication with the Dominion Government, a reply was returned on the 17th May, which was received by the United States Government, as Mr. Sherman states in an earlier part of his despatch on the 27th May. That reply, to which Mr. Sherman refers as "complacently" stating "that the condition of affairs is not of so urgent a character as the President has been led to believe," and that there was no "such urgent danger of total extinction of the seals as to call for a departure from the Arbitral award by which the two nations have solemnly bound themselves to abide," contained a very full statement of the reasons for the belief expressed by Her Majesty's Government to which they have not yet had any reply, and Mr. Sherman omits to mention that alternative proposals were submitted for the prosecution of a joint inquiry into the facts, the necessity for which has been fully established by the results of last year's investigation. If that proposal of Her Majesty's Government had been promptly accepted, the first trustworthy information as to the state of the seal herd would have been available at the end of 1895 instead of at the end of 1896, and would have afforded, with the information collected in the latter year, some criterion of the progress or decline of the herd.

The reasons which induced Her Majesty's Government to decline to enter upon a joint negotiation with the three Powers interested in suppressing pelagic sealing were fully set forth in the correspondence, and it is unnecessary here to do more than call attention to the fact that since 1893 Great Britain has had an arrangement with Russia in regard to the seal fishery in which that Power is interested, and that, as the seal herds are generally alleged to be quite distinct and not to intermingle, no advantage would have been gained by a joint negotiation, which could only have been based upon incomplete knowledge of facts.

Mr. Sherman proceeds further to reflect upon the action of the late Lord Hannen and of Her Majesty's Government in regard to the second declaration annexed to the Award of the tribunal, which urged a suspension for a short period of any killing of seals either on land or sea. Mr. Sherman states that Mr. Gresham instructed Mr. Bayard on the 12th September, 1893, to ask the concurrence of Great Britain in the enforcement of this declaration, and that Mr. Bayard reported on the 13th September that he had made known his instructions to the British Government. Mr. Bayard must have failed to make his meaning clear, for Lord Rosebery's despatch of the 13th September to

Sir J. Pauncefoot, recording his conversation with Mr. Bayard, speaks only of arrangements "for carrying into effect the Award of the Behring Sea Tribunal of Arbitration." and makes no reference to the second declaration annexed to the Award. On the 20th of the same month Mr. Bayard communicated a further instruction from his Government on the subject of the enforcement of the Award, but also without any reference to the declarations, as is also the case in the formal note addressed by Mr. Bayard to Lord Rosebery on the 20th November. The first reference to the subject is contained in Mr. Gresham's note to Sir J. Pauncefoot of the 24th January, 1894, in which, after urging the early enforcement of the Regulations, he adds "the United States would be glad to prohibit entirely for a period of three years, or for two years, or for one year, the killing of seals, but unless Her Majesty's Government should be willing to agree to that measure it only remains for the two governments at once to give effect to the regulations determined upon by the tribunal as necessary in conformity with the treaty." In forwarding this note Sir J. Pauncefoot observed that he had read this statement in Mr. Gresham's note with surprise, as it was inconsistent with his former language on the same subject at an interview on the 13th December, when, as reported by Sir J. Pauncefoot in a despatch dated the 16th of that month, Mr. Gresham had stated "as regards the second declaration, respecting a further cessation of seal killing at sea and on land, Mr. Gresham stated that he was opposed to closing the industry during the coming season. Such a course would, he thought, raise a great outcry in this country, and, moreover, it was important to ascertain what had been the effect of the cessation of seal killing for two consecutive seasons in Behring Sea." This language, it need scarcely be observed, disproves Mr. Sherman's belief that the United States government had been urging Her Majesty's government to agree to the adoption of the second declaration from the moment they were informed of it. Moreover, it is to be observed that on the 24th January, 1894, when in the manner quoted, the suggestion to adopt the declaration was thrown out, it was too late, as the sealing fleet had already started for the spring fishery. Her Majesty's Government did not, however, as Mr. Sherman supposes, fail to respond, for in their reply, dated the 24th February, they stated with reference to the suggestion that they were willing to agree as a temporary measure to renew the *modus vivendi* for the continued closing of Behring Sea. This offer did not meet with the views of the United States.

Mr. Sherman's account of the action of Her Majesty's Government in regard to the adoption of measures for enforcing the regulations is also incomplete. In calling attention to the delay which took place in passing the legislation for giving effect to the award, he omits to mention that part of the delay was due to the difficulty caused by the desire of the United States Government to transfer the negotiations to London, although all the previous discussions in connection with the Behring Sea difficulties had been carried on at Washington, and Her Majesty's Ambassador there was fully informed on the whole question, and, further, that for some time the United States Government persisted in a desire to proceed to enforce the regulations by means of a convention instead of by legislation, a course which was impossible for this country, where treaties restricting or interfering in any way with the rights and liberties of the subject require the sanction given by express laws. The proposed legislation, too, mainly affected Her Majesty's subjects in Canada, and it was necessary therefore to refer constantly to the Dominion Government in the matter, and there was no undue delay on the part of Her Majesty's Government in dealing with it.

The British Act received the Royal assent on the 23rd April, 1894, just seventeen days after the United States' Act was passed; the Order in Council giving the necessary powers to United States' officers to act under the British Act was passed on the 30th April, and instructions were sent to Her Majesty's naval officers by telegraph the same evening, and the Act was thus brought into force before the beginning of the close time fixed by the Regulations. The statement in Mr. Sherman's despatch, therefore, that "the British Act to enforce the Regulations was not passed until four months after the sealing season had opened, and the final Order in Council (the 27th June, 1894) on the subject was not issued until six months after the sealing fleet had put to sea in disregard of the Award of the Tribunal" is misleading. The Regulations, except in so far as they prescribed a special flag for sealing vessels, and the making certain entries in the log and taking out a license, all made no change in regard to the methods of sealing during the spring. The legislation was passed in time to enforce the close season, and during the close season arrangements were completed with the United States in regard to the flags, &c., and it was to give effect to these arrangements that the second Order in Council, viz., that of the 27th June was passed, more than a month before the close season ended. It is difficult therefore to know what is exactly meant by saying that "the sealing fleet had put to sea in disregard of the Award of the Tribunal," unless it refers to the departure of the fleet for the coast fishery in which the Award makes practically no change.

In regard to the charge of neglect of the police duties under the Award, Mr. Chamberlain would observe that the sealing fleet consists entirely of small sailing-vessels. In 1894 forty-four were employed during the spring season, and thirty-seven in Behring Sea. In 1895 the number in the spring season was fifty-two, and in Behring Sea fifty-nine, and in 1896 the numbers were forty-three and sixty-seven respectively. The main duty of the patrol is to prevent infringement of the 60-mile zone in Behring Sea, and to prevent sealing during the close time, and even if the masters of the sealing-vessels were bent on evading the law, instead of being, as they are, most anxious to conform to it, Her Majesty's Government are satisfied that one man-of-war or revenue-cutter is quite equal to looking after eight small sailing-schooners.

Her Majesty's Government also send three vessels to patrol the western side of the Pacific to see to the enforcement of the arrangement with Russia, and though United States pelagic sealers equally engage in the fishery on that side, and United States have a similar arrangement in regard to it, Mr. Chamberlain has never heard of any United States vessel taking any part in the patrol on

that side, and Her Majesty's Government have, therefore, had employed in the patrol of the seal fisheries on one side of the Pacific or the other five or six men-of-war as a rule, as compared with five or six revenue-cutters on the part of the United States, and they have every reason to believe that this force is ample for the discharge of the proper duties of the patrol.

The "strange misconception of the true spirit and intent of the Arbitrators," said by Mr. Sherman to have been developed on the part of the British Government, has been entirely on the part of the United States—a misconception which Her Majesty's Government have frequently had to point out. The Agreement for allowing vessels to have their arms sealed up was not renewed, because, as Mr. Sherman was well aware, it was made a pretext by United States officers for the unwarrantable seizure of two British vessels. Moreover, Her Majesty's Government made provision for the examination of sealing-vessels before clearing for Behring Sea, and the issue to them of certificates by the Customs authorities, to the effect that they had no fire-arms on board. The United States' Government declined to accept these certificates and insisted that British sealing-vessels should undergo a further and, as might be expected, unsuccessful search at the hands of a United States' officer.

The United States Government can scarcely have seriously expected that Her Majesty's Government would consent to cast such a grave aspersion on the character of their officials. The Award, it must be remembered, is carried out, so far as British vessels are concerned, under a law of the Imperial Parliament, and Her Majesty's Government have accepted the assistance of United States commissioned officers in enforcing that law, but they have not conferred on them, nor did the Tribunal of Arbitration suggest that they should confer on them, the duty of supervising and controlling the action of British naval or customs officers appointed to that duty, and they are pleased to think that in spite of all the boarding and searching with which the British sealing fleet has been harassed, not a single instance has been established of the use of fire-arms by British vessels contrary to the Regulations.

The so-called serious defect in the British Act for the enforcement of the regulations is the next point in Mr. Sherman's indictment. He refers to the omission of the clause, contained in the Act passed to carry out the *modus vivendi* of 1891, which provided that the presumption of guilt would lie against the vessel having on board fishing or shooting implements, or seal-skins at forbidden time or in forbidden waters, and declares that "the practical effect is to make it impossible in many cases to convict British sealing-vessels, although there may be the strongest presumptive evidence of guilt, evidence which, under the Act of Congress, would in most cases procure the conviction of an American sealing-vessel."

It would have been of much assistance to Her Majesty's Government if Mr. Sherman had mentioned one or two of these cases, as only ten British vessels have been seized during the three years that the Act has been in force. Of these, two were seized in 1894, not for violation of the Award, but having unsealed arms on board, the alleged arms in one case being a musket with the barrel cut down, used for signalling to the vessel's boats. There was absolutely no evidence in either case that the arms had been used, and the Admiral decided not to bring vessels so improperly seized to trial. One vessel was seized last year by the United States on the pretext that there was a shot-hole in one of the skins, though the most exhaustive search failed to reveal any arms on board, and after a few days' detention the United States' officer in charge of the patrol released her. There remain only seven vessels, therefore, brought to trial in three years, and of these four have been convicted and heavy fines or forfeiture inflicted. The cases referred to by Mr. Sherman are therefore reduced to three. One of these vessels was seized on the ground that the master had not entered up in his log for two days the number of seals taken, and the Court promptly dismissed the case with costs against the prosecutor. The other vessel released had been seized on a charge of using fire-arms in killing seals in Behring Sea. Having been previously sealing on the Japan coast, where the use of fire-arms is allowed, on entering Behring Sea the master had his ammunition and arms carefully counted by the United States' officers at Attu before beginning sealing. When searched subsequently there appeared to be some discrepancy in the ammunition, and one skin had a hole in it presenting an appearance like that of a shot-hole. The discrepancy in the ammunition was fully accounted for, but the vessel was sent for trial, and of course acquitted. The third case of acquittal was somewhat similar to the last, except that the evidence was even less strong, and the Commander of the British patrol fleet only sent her for trial because his instructions gave him no discretion where a distinct offence is charged against a vessel by a United States' officer. It is implied that because the clause making the possession of sealing implements *prima facie* evidence justifying seizure appeared in the Act for the enforcement of the *modus vivendi* in 1891 it should also have appeared in the Act of 1894 for enforcing the Award. But the circumstance were completely altered. Under the *modus vivendi* Behring Sea was closed to sealing. If a vessel with sealing equipment was found within the well-defined limits of the sea, her presence raised the presumption that she was there for an unlawful purpose. The Award, on the other hand, established a close season over the whole area of the North Pacific east of 180° from the 1st May to the 1st August. When the close season begins the sealers have to find their way back to port through the closed area for hundreds of miles with their arms and skins on board. Before the season opens in Behring Sea they have again to find their way through the closed area with their equipment on board to be ready to begin operations as soon as the close time ends. If the clause were in the British Act every one of the vessels either going to or returning from the prosecution of their lawful fishery could be seized solely because of the possession of the implements and produce of her calling. It would be evidently unjust to enforce such a provision.

Even if the operation of the clause were restricted to the 60-mile zone in Behring Sea, it would obviously, with the fogs and currents there prevailing, when for days together it is impossible to get

a sight of the sun, be unjust to presume that whenever a sealing-vessel was found inside a geographical line which she may have had no opportunity of fixing, that she was necessarily there for an unlawful purpose. Such a measure would be contrary to the spirit of justice, and inflict unnecessary and unmerited hardships on a part of Her Majesty's subjects who are most anxious to observe the law in every particular.

The final instance cited by Mr. Sherman of "the failure and refusal" of the British Government to give full effect to the Paris Regulations," deals with the question of the entries required in the official log-books of the number and sex of the seals taken. He speaks of the "daily" entry, though the word does not appear in the Regulations, and complains that the Returns furnished by British sealing vessels are untrustworthy, and that Her Majesty's Government have refused to allow the catch of British sealing-vessels to be examined in Canadian ports by United States Inspectors.

Mr. Sherman omits to mention the contention of Her Majesty's Government that the results of such inspection for the purpose of determining the sex of the seal from which the skin has been taken are at the best of very doubtful value, and that although in the case of males three years old or over, or of females which have borne young, it is possible to determine the sex from an examination of the skin with more or less accuracy, it is not possible to do so with any approach to certainty in the case of the skins of young males or females.

Mr. Sherman's charges are summed up in the final paragraphs of his despatch. They have been answered above in detail and it has been shown in regard to the alleged refusal to extend the Regulations to the Asiatic waters that Regulations believed at the time by Her Majesty's Government and the Government of Russia to be adequate in regard to these waters, have been in force there since 1893, and that when Russia in 1895 complained of their inadequacy, Her Majesty's Government took the first opportunity in 1896 of inquiring into the state of the herd on the Russian Islands, and are conducting fur investigation with the same object this year.

In regard to the refusal of Her Majesty's Government to agree to the total suspension of the killing of seals for a period of years, it has been shown that such a measure was in the first instance deprecated by the United States Government, and when it was brought up it was too late, though in any case Her Majesty's Government could not have agreed to such a measure, as it would have involved the ruin of an important British industry.

The alleged neglect to put the Regulations in force until after sealing had been entered upon has been answered by showing that all the substantive Regulations were enforced by the date fixed by the Tribunal.

The "evasion of the patrol duty" has been disposed of by showing that Her Majesty's Government have actually had a larger force engaged in patrolling the seal fisheries of the Pacific than the United States, and that the force is more than adequate for the purposes.

The "opposition to suitable measures for the enforcement of the prohibition against fire-arms" has been shown to be unfounded. The possession of fire-arms by a sealing-vessel is not in itself illegal. It is their use which is prohibited, but it has been shown that British vessels do not clear with fire-arms, that no instance of their use has been established, and that Her Majesty's Government were compelled to withdraw from the arrangement for the sealing of arms, because they found that not only did it no serve to save British vessels from unnecessary interference, but was actually made a pretext for unwarrantable seizures.

They have not omitted to enact legislation necessary to secure the conviction of the guilty, but they have refused to pass legislation certain to embarrass and injure the innocent.

They have refused to seek legislation authorizing an inspection of skins because they do not believe that such an inspection would serve any useful purpose.

They have performed with the utmost rigour all the requirements of the Award, but they have had to make continual and unavailing protests against the attempts of the United States to hamper and embarrass the operations of British subjects pursuing their lawful vocation.

The fact that in spite of these embarrassments British sealers have been able to prosecute their industry with success has led to the continual efforts of the United States to obtain such further Regulations as would effectively prevent that result, without regard to the object aimed at the Tribunal in the Regulations they laid down, which was to preserve the seal fishery for the benefit of both countries.

Her Majesty's Government have never argued that the Regulations were perfect, but, they have maintained that before they can be revised in a scientific manner accurate information as to the increase or decrease of the herd must be available, and that such information can only be obtained by accurate observations extending over a sufficient period to enable accidental circumstances to be eliminated, and as soon as that is at hand they will be ready to enter on a discussion of the question in the impartial and friendly spirit with which they can confidently claim to have acted throughout this controversy.

I am, &c.,

(Signed) EDWARD WINGFIELD.

PROHIBITION OF PELAGIC SEALING BY CITIZENS OF THE UNITED STATES.

Legislation has recently been adopted and approved by the President of the United States prohibiting a citizen of the United States or person owing duty of obedience to the laws or treaties of the United States, or person belonging to or on board a vessel of the United States from engaging in the industry of Pelagic sealing in the waters of the Pacific Ocean, north of the thirty-fifth degree of north latitude, and including Behring Sea and the Sea of Okhotsk.

The text of this Act, together with that of the regulations approved by the President for the enforcement of that part prohibiting the importation of skins taken in such waters into the United States, are contained in the Treasury circular hereunder:—

PROHIBITION OF THE KILLING OF FUR-SEALS IN THE WATERS OF THE NORTH PACIFIC OCEAN, AND OF THE IMPORTATION OF FUR-SEAL SKINS TAKEN IN SUCH WATERS.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
WASHINGTON, D. C., December 30, 1897.

To the Collectors and other Officers of the Customs:

The following act prohibiting the killing of fur-seals in the waters of the North Pacific Ocean, and the regulations made thereunder are published for the information and guidance of all concerned:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no citizen of the United States, nor person owing duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or hunt, at any time or in any manner whatever, any fur-seal in the waters of Pacific Ocean north of the thirty-fifth degree of north latitude and including Behring Sea and the sea of Okhotsk.

SEC. 2. That no citizen of the United States, nor person above described in section one, shall equip, use, or employ, or furnish aid in equipping, using or employing, or furnish supplies to any vessel used or employed, or to be used or employed in carrying on or taking part in said killing, capturing, or hunting of fur-seals in said waters, nor shall any vessel of the United States be so used or employed.

SEC. 3. That every person guilty of a violation of this Act, or of any regulations made thereunder, shall, for each offense, be fined not less than two hundred dollars or more than two thousand dollars, or imprisoned not more than six months, or both; and every vessel, its tackle, apparel, furniture, and cargo, at any time used or employed in violation of this Act, or of the regulations made thereunder, shall be forfeited to the United States.

SEC. 4. That if any vessel of the United States shall be found within the waters to which this Act applies, having on board fur-seal skins or bodies of seals or apparatus or implements suitable for killing or taking seals, it shall be presumed that such vessel was used or employed in the killing of said seals, or that said apparatus or implements were used in violation of this Act until the contrary is proved to the satisfaction of the court.

SEC. 5. That if any violation of this Act or of the regulations thereunder may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

SEC. 6. That this Act shall not interfere with the privileges accorded to Indians dwelling on the coast of the United States under section six of the Act of April sixth, eighteen hundred and ninety-four, but the limitations prescribed in said Act shall remain in full force.

SEC. 7. That this Act shall not affect in any way the killing or taking of fur-seals upon the Pribilof Islands, or the laws of the United States relating thereto.

SEC. 8. That any officer of the Naval or Revenue-Cutter Service of the United States, and any other officers duly designated by the President, may search any vessel of the United States in port or on the high seas suspected of having violated or of having an intention to violate the provisions of this Act, and may seize such vessel and the offending officers and crew and bring them into the most accessible port of the States and Territory mentioned in section five of this Act for trial.

SEC. 9. That the importation into the United States by any person whatsoever of fur-seal skins taken in the waters mentioned in this Act, whether raw, dressed, dried, or manufactured, is hereby prohibited, and all such articles imported after this Act shall take effect shall not be permitted to be exported, but shall be seized and destroyed by the proper officers of the United States.

SEC. 10. That the president shall have power to make all necessary regulations to carry this Act into effect.

Approved, December 29, 1897.

REGULATIONS.

1. No fur-seal skins, whether raw, dressed, dyed, or otherwise manufactured, shall be admitted to entry in the United States, unless there shall be attached to the invoice a certificate, signed by the United States consul at the place of exportation that said skins were not taken from seals killed within the waters mentioned in said act, specifying in detail the locality of such taking, whether on land or at sea, and also the person from whom said skins were purchased in their raw and dressed state, the date of such purchase, and the lot number. Consuls shall require satisfactory evidence of the truth of such facts by oath or otherwise before giving any such certificate.

No fur-seal skins, raw, dressed, dyed, or otherwise manufactured shall be admitted to entry as part of a passenger's personal effects unless accompanied by an invoice certified by the consul as herein provided.

All fur-seal skins, whether raw, dressed, dyed, or otherwise manufactured, the invoices of which are not accompanied by the certificate above prescribed, shall be seized by the collector of customs and destroyed as provided for section 9 of the act of December 29, 1897.

2. Every article manufactured, in whole or in part, from fur-seal skins the invoice of which is presented as aforesaid to the consul, shall have legibly stamped thereon the name of the manufacturer and the place of manufacture, and shall be accompanied by a statement in writing under the oath of said manufacturer that said skin or skins used in said article were taken from seals not killed at sea within the waters mentioned in said act, specifying the locality in detail, and also the person from whom said skins were purchased in their raw and dressed state, the date of said purchase and the lot number.

3. When an application is made to a consul for a certificate under these regulations the invoice and proofs or origin presented by the exporter shall be submitted to the Treasury Agent designated for the purpose of investigation, and the consul shall not certify any such invoice until agent shall have made his report.

4. All articles manufactured in whole or in part from fur-seal skins and imported into the United States shall have the linings thereof so arranged that the pelt of the skin or skins underneath shall be exposed for examination.

5. All fur-seal skins, whether raw, dressed, dried, or otherwise manufactured in whole or in part, whether imported as merchandise of a passenger's effects, shall be sent to the public stores for careful examination and inspection to prevent evasion of the law.

All garments made in whole or in part of seal skins, and taken from this country may be re-entered on presentation of a certificate of ownership from the collector of customs of the port of departure, which certificate shall have been obtained by the owner of the garment by offering the same to the collector for inspection before leaving this country.

7. Nothing in these regulations shall affect the right of any officer of the customs to inspect and seize any fur-seal skin or garment imported which he may find to have been imported in violation of said act.

APPROVED

L. J. GAGE, *Secretary of the Treasury.*

WILLIAM MCKINLEY.

THE BEHRING SEA CLAIMS COMMISSION.

The nature and personnel of this commission was explained in the report of last year, and it was shown that the written arguments of the counsel for both countries and the reply of the counsel on behalf of Great Britain, were to be presented in time to permit of a meeting at Montreal on the 16th June of this year.

This was done and pursuant to the adjournment at Victoria the meeting was held at Montreal on the date named.

This meeting occupied one day, some incidental work being necessary besides the examination of some witnesses produced on behalf of the United States.

It was then arranged that the meeting of the commission for the final oral argument of counsel should take place at Halifax, and accordingly the sessions began on the 25th August in the Legislative Council Chamber of the Provincial Building of Nova Scotia.

The argument proceeded without adjournment other than incident to the daily sessions, and was concluded on the 29th September.

The commissioners held their final session at Boston, in December, 1897, and determined the extent to which the United States were liable to Great Britain in respect of the claims filed, assessing the respective amount of compensation to be paid to Her Majesty on behalf of the owners, masters, officers and crews of the

different vessels; the interest allowed being at the rate of 6 per cent, which was the statutory rate at Victoria, British Columbia, during the period covered. The award is distributed as followed :—

	Damages.	Interest.	Award.
<i>Vessels' Claims.</i>	\$ cts.	\$ cts.	\$ cts.
Carolina	13,341 72	9,020 71	22,362 43
Thornton	13,521 10	9,142 53	22,663 63
Onward	9,376 00	6,339 74	15,715 74
Favourite	3,202 00	2,165 08	5,367 08
Anna Beck	21,692 50	13,366 19	35,058 69
W. P. Sayward	12,537 50	7,725 22	20,262 72
Dolphin	31,484 00	19,399 38	50,883 38
Grace	26,213 50	16,125 67	42,339 17
Alfred Adams	10,124 00	6,238 07	16,362 07
Ada	20,902 69	12,880 01	33,782 70
Triumph	1,750 00	1,078 29	2,828 29
Juanita	11,493 00	5,702 44	17,195 44
Pathfinder	13,796 00	6,845 12	20,641 12
Black Diamond	15,173 00	7,528 32	22,701 32
Triumph	15,450 00	7,665 77	23,115 77
Lily	11,739 00	5,832 48	17,571 48
Ariel	4,950 00	2,456 03	7,406 03
Kate	3,050 00	1,513 31	4,563 31
Minnie	8,460 00	4,137 57	12,597 57
Pathfinder	800 00	370 67	1,170 67
Winnifred	3,283 05	1,061 52	4,344 57
Henrietta	9,599 85	2,421 19	12,021 04
Oscar & Hattie	2,250 00	715 05	2,965 05
Totals	264,188 91	149,790 36	413,979 27
<i>Personal Claims of Masters and Mates.</i>			
Daniel Munroe	3,000 00	2,028 50	5,028 50
John Margotich	2,500 00	1,690 42	4,190 42
Hans Guttormsen	3,000 00	2,028 50	5,028 50
Har. Norman	2,500 00	1,690 42	4,190 42
James Ogilvie	3,000 00	2,028 50	5,028 50
James Blake	2,500 00	1,690 42	4,190 42
J. D. Warren	2,000 00	1,232 33	3,232 33
John Reilly	1,500 00	924 25	2,424 25
George R. Ferey	2,000 00	1,232 33	3,232 33
A. D. Laing	1,500 00	924 25	2,424 25
Louis Olsen	2,000 00	1,232 33	3,232 33
M. Keefe	1,500 00	924 25	2,424 25
W. Petit	2,000 00	1,232 33	3,232 33
C. A. Lundberg	1,000 00	616 17	1,616 17
Totals	30,000 00	19,475 00	49,475 00
Grand Totals	294,188 91	169,265 36	463,454 27

It will be seen that in regard to the vessels claims the assessment has been divided thus: damages, \$264,188.91; interest, \$149,790.36; award, \$413,979.27; and in respect of the personal claims of the masters and mates, the division is: damages, \$30,000.00; interest, \$19,475.00; award, \$49,475.00.

The total amount of damages allowed is therefore :—

	Damages.	Interest.	Award.
Vessels	\$264,188 91	\$149,790 36	\$413,979 27
Personal claims	30,000 00	19,475 00	49,475 00
Totals	\$294,188 91	\$169,265 36	\$463,454 27

To this, however, should be added the provisional awards in respect of the schooner "Black Diamond" and of the personal claim of Captain James Gaudin, as follows:—

	Damages.	Interest.	Award.
"Black Diamond".....	\$5,000 00	\$3,075 00	\$8,075 00
Capt. Gaudin.....	1,000 00	616 17	1,616 17
	\$6,000 00	\$3,691 17	\$9,691 17

Which will raise the total award to \$473,145.44.

Owing to the absence from the country of the parties interested, these latter claims were not formulated at the time the schedule which was eventually submitted to the Paris tribunal was prepared, and as a motion for striking them out had been made by the counsel on behalf of the United States before the commissioners, the question was reserved.

It transpired that it was the intention of the parties to the treaty that all claims should be adjudicated upon, and although the commissioners finally dismissed these particular claims as not being within their jurisdiction under the strict terms of the convention, they made, at the instance of the negotiators of the two governments, a separate report finding damages as above stated.

The article on the Behring Sea question contained in the departmental report for 1895, embraces a list and summary of the claims as submitted to the United States Government in the diplomatic correspondence.

RUSSIAN SEIZURES—"WILLIE MCGOWAN" AND "ARIEL."

In the report for 1893, p. CIV, under the heading "Pelagic fur-sealing," is an account of the seizure of Canadian schooners by the Russian authorities in 1892, together with the text of the decision in each case, of a commission appointed by the Russian Imperial government to enquire into the several cases.

Among the seized schooners were the "Willie McGowan" and "Ariel," in respect of which the commissioners decided that the seizures were not regular, although maintaining the other seizures and interferences, some seven in number.

An offer was made by the Russian Government of \$40,078.75, compensation for the seizure of these two vessels which offer was accepted by both Her Majesty's government and that of Canada as a full settlement of the claims of the "Willie McGowan" and "Ariel."

Respectfully submitted,

R. N. VENNING.

Ottawa, 31st December, 1897.